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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Thirteenth Session
Geneva, October 25 to 29, 2004

DRAFT SUMMARY OF REPLIES TO THE QUESTIONNAIRE ON TRADEMARK LAW AND PRACTICE (SCT/11/6)

Document prepared by the Secretariat

1. At its eighth session, held in Geneva from May 27 to 31, 2002, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) considered issues relating to harmonization of substantive trademark law. The exchange of views that took place at that session was based on document SCT/8/3, which provided a preliminary indication of topics regarding substantive harmonization of trademark laws. Pursuant to a request of the SCT made at the conclusion of its eighth session, the Secretariat prepared a draft questionnaire on trademark law and practice (document SCT/9/3), for discussion at the ninth session which was held from November 11 to 15, 2002. At that session, the SCT decided that the International Bureau should circulate the draft questionnaire on the SCT Electronic Forum, inviting SCT members to provide comments by the end of January 2003. At the tenth session of the SCT (April 28 to May 2, 2003), the Secretariat was asked to revise and finalize the questionnaire as contained in document SCT/10/3 Prov. on the basis of the comments thus far received, and to circulate it for reply. The resulting final version of the questionnaire was issued as document SCT/11/6 and circulated on August 15, 2003, with a request for return by December 30, 2003.

2. At the time of the preparation of this document, the Secretariat had received replies from the following Member States: Algeria, Armenia, Australia, Austria, Bangladesh, Belarus, Brazil, Bulgaria, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Hungary, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kyrgyzstan, Lithuania, Madagascar, Malta, Mauritius, Mexico, Monaco, Morocco, New Zealand, Norway, Oman, Pakistan, Panama, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, St. Vincent and the Grenadines, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay and Zambia (68). The following intergovernmental organizations replied to the questionnaire: the Benelux Trademark Office, the European Communities and the African Intellectual Property Organization (3). Furthermore, replies to the questionnaire were received from a number of private organizations.

3. The questionnaire contained 369 questions on the trademarks laws and administrative office practices of Member States. In respect of 251 questions a response was requested by checking the relevant box (YES / NO / N/A). The responses to the remaining 118 questions were requested in the form of a written explanation. The Secretariat compiled all the responses into the present provisional summary document.

4. In the course of the preparation of this document the Secretariat examined some 22,000 responses received in five official languages (Arabic, English, French, Russian and Spanish). Out of those 22,000 replies, 17,821 correspond to the 251 questions in document SCT/11/6 to which a response had to be given by checking the relevant box (YES/ NO/ N/A). Those replies are reproduced completely in the present document in the form of tables. Some 4,200 replies relate to the 118 questions in document SCT/11/6 to which the response had to be textual. This document does not attempt to reproduce exactly all responses that were given in the text, but rather identifies general trends in respect of those replies. For the purpose of easy reading and understanding, the questions that require textual response are reproduced followed by a summary of replies received by the Secretariat under each table.

5. It should be noted that the structure of the present document follows strictly the structure of document SCT/11/6, and that the identical numeration is applied. Furthermore, the format in which the replies are reproduced was deliberately chosen with a view to allowing the addition of further replies in case Member States wish to submit their replies at a later stage.

6. The SCT is invited to consider and to comment on the Draft Summary of Replies to the Questionnaire on Trademark Law and Practice as contained in this document.

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I. DEFINITION

1. According to the applicable legislation or IP office practices, a mark is defined as:

Responding Countries/Regional IP Offices	A. Any sign or combination of signs, capable of distinguishing the goods or services of an undertaking from the goods or services of another undertaking	B. Signs visually perceptible	C. Signs capable of being represented graphically	D. Other
Algeria	YES	YES	YES	NO
Armenia	YES	YES	YES	YES
Australia	YES	NO	YES	
Austria	YES	YES	YES	NO
Bangladesh	YES	YES	YES	N/A
Belarus	YES	YES	YES	
Brazil	YES	YES	NO	
Bulgaria	YES		YES	NO
China	YES	N/A	YES	
Colombia	YES	NO	YES	N/A
Costa Rica	YES			
Croatia	YES	NO	YES	NO
Czech Rep.	YES	NO	NO	YES
Denmark	YES	N/A	YES	N/A
Dominica				
Ecuador	YES	YES	YES	YES
El Salvador	YES	YES	NO	NO
Estonia	NO	NO	YES	NO
Finland	YES	N/A	YES	N/A
France	YES	NO	YES	NO
Georgia	YES	NO	YES	NO
Germany	YES	NO	YES	
Hungary	YES	NO	YES	NO
Iran (Islamic Rep. of)	YES			
Ireland	YES	NO	YES	N/A
Italy	YES	NO	YES	NO
Jamaica	YES	YES	YES	N/A
Japan	NO	NO	NO	YES
Kyrgyzstan	YES	YES	YES	NO
Lithuania	YES	N/A	YES	N/A
Madagascar	YES	YES	NO	YES
Malta	YES			
Mauritius	YES	YES	YES	
Mexico	YES	YES	YES	
Monaco	YES	YES	YES	NO
Morocco	YES	YES	YES	NO
New Zealand	YES	N/A	YES	N/A
Norway	YES	N/A	YES	N/A
Oman		YES	N/A	N/A
Pakistan	YES	NO	YES	YES
Panama	YES			
Philippines	YES	YES	YES	N/A
Portugal	YES	NO	YES	NO
Rep. of Korea	YES	YES	YES	NO
Rep. of Moldova	YES	YES	YES	NO
Romania	YES		YES	
Russian Federation	YES	YES	YES	N/A
Saint Lucia	YES	YES	YES	N/A

I. DEFINITION 1. According to the applicable legislation or IP office practices, a mark is defined as:				
Responding Countries/Regional IP Offices	A. Any sign or combination of signs, capable of distinguishing the goods or services of an undertaking from the goods or services of another undertaking	B. Signs visually perceptible	C. Signs capable of being represented graphically	D. Other
St. Vincent & the Grenadines	YES	N/A	YES	N/A
Singapore	YES	YES	YES	NO
Slovakia	YES	NO	YES	NO
Slovenia	YES		YES	
Spain	YES		YES	
Sri Lanka	YES	YES	N/A	N/A
Sudan	YES	N/A	N/A	YES
Swaziland	YES		N/A	N/A
Sweden	YES	NO	YES	NO
Switzerland	YES	NO	YES	NO
Syrian Arab Rep.	YES	YES	YES	NO
Thailand	YES	YES	YES	NO
Trinidad & Tobago	YES	YES	YES	
Tunisia	YES	YES	YES	YES
Turkey	YES	YES	YES	NO
Ukraine	YES	YES	YES	
United Kingdom	YES	NO	YES	NO
USA	YES	NO	NO	YES
Uruguay	YES	NO	YES	YES
Zambia	YES			
AIPO	YES	YES	NO	
BBM	YES	NO	YES	
EC	YES	NO	YES	NO

D. If YES, please explain:

Many replies emphasized that the mark had to be distinctive. Some listed what kind of registrable signs were accepted, for example, characters, figures, signs, three-dimensional shapes or any combination thereof, and colors, used in respect of goods by a person who produced, certified or assigned such goods or used in respect of services by a person who provided or certified such services in the course of trade. Use or intention to use was stated as requirement in one reply.

Responding Countries/ Regional IP Offices	I. DEFINITION 2. Does the applicable legislation provide for any specific signs to be excluded from registration as a mark?
Algeria	NO
Armenia	YES
Australia	YES
Austria	NO
Bangladesh	YES
Belarus	YES
Brazil	NO
Bulgaria	NO
China	NO
Colombia	YES
Costa Rica	YES
Croatia	NO
Czech Rep.	NO
Denmark	YES
Dominica	
Ecuador	YES
El Salvador	YES
Estonia	YES
Finland	NO
France	NO
Georgia	NO
Germany	YES
Hungary	YES
Iran (Islamic Rep. of)	NO
Ireland	YES
Italy	NO
Jamaica	NO
Japan	YES
Kyrgyzstan	YES
Lithuania	YES
Madagascar	YES
Malta	NO
Mauritius	YES
Mexico	YES
Monaco	YES
Morocco	YES
New Zealand	YES
Norway	NO
Oman	YES
Pakistan	YES
Panama	NO
Philippines	YES

Responding Countries/ Regional IP Offices	I. DEFINITION 2. Does the applicable legislation provide for any specific signs to be excluded from registration as a mark?
Portugal	NO
Rep. of Korea	NO
Rep. of Moldova	YES
Romania	NO
Russian Federation	NO
Saint Lucia	YES
St. Vincent & the Grenadines	YES
Singapore	YES
Slovakia	YES
Slovenia	YES
Spain	NO
Sri Lanka	YES
Sudan	YES
Swaziland	NO
Sweden	NO
Switzerland	NO
Syrian Arab Rep.	NO
Thailand	YES
Trinidad & Tobago	YES
Tunisia	YES
Turkey	NO
Ukraine	NO
United Kingdom	YES
USA	YES
Uruguay	YES
Zambia	YES
AIPO	YES
BBM	NO
EC	NO

Please explain:

Some replies mentioned sound marks, smell marks and holograms. In other replies signs indicating existence of intellectual property rights, e.g., "registered as being excluded from registration" were excluded from registration. Also some terms such as "olympic", "national", special protected emblems such as "royal crown", national governmental emblems, emblems of other States and of intergovernmental organizations, as well as the olympic symbols and the emblem of the Red Cross, were excluded from registration. In a small number of replies it was indicated that three-dimensional marks and combinations of colors could not be registered as marks. Finally a number of respondents stated that marks of a functional nature could not be registered.

3. Are any specific signs excluded from the registration on the basis of the case law in your jurisdiction?

Some replies mentioned olfactory trademarks, which could not be represented graphically. One reply indicated that famous marks recognized as such by court decisions, could not be registered by third parties.

II. REGISTRABLE SIGNS
Can the following signs be registered as marks under the applicable legislation or under IP office practices:
1. Denominations, letters, numbers, etc.

Responding Countries/ Regional IP Offices	A. Words in foreign languages	B. Words in foreign scripts	C. Personal names	D. Names of famous people
Algeria	YES	YES	YES	YES
Armenia	YES	YES	YES	YES
Australia	YES	YES	YES	YES
Austria	YES	YES	YES	YES
Bangladesh	YES	YES	YES	YES
Belarus	YES	YES	YES	YES
Brazil	YES	YES	YES	YES
Bulgaria	YES	YES	YES	YES
China	YES	YES	YES	YES
Colombia	YES	YES	YES	YES
Costa Rica	YES	YES	YES	NO
Croatia	YES	YES	YES	YES
Czech Rep.	YES	YES	YES	YES
Denmark	YES	YES	YES	YES
Dominica				
Ecuador	YES	YES	YES	YES
El Salvador	YES	YES	YES	YES
Estonia	YES	YES	YES	YES
Finland	YES	YES	YES	YES
France	YES	YES	YES	YES
Georgia	YES	YES	YES	YES
Germany	YES	YES	YES	YES
Hungary	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES	NO
Ireland	YES	YES	YES	YES
Italy	YES	YES	YES	YES
Jamaica	YES	YES	YES	YES
Japan	YES	YES	YES	YES
Kyrgyzstan	YES	YES	YES	YES
Lithuania	YES	YES	YES	YES
Madagascar	YES	YES	YES	YES
Malta	YES		YES	YES
Mauritius	YES	YES	YES	YES
Mexico	YES	YES	YES	YES
Monaco	YES	YES	YES	YES
Morocco	YES	YES	NO	NO
New Zealand	YES	YES	YES	YES
Norway	YES	YES	YES	YES
Oman	YES	YES	YES	YES
Pakistan	YES	YES	YES	YES
Panama	YES	YES	YES	YES
Philippines	YES	YES	NO	NO
Portugal	YES	YES	YES	YES
Rep. of Korea	YES	YES	YES	YES
Rep. of Moldova	YES	YES	YES	YES
Romania	YES	YES	YES	YES
Russian Federation	YES	YES	YES	YES
Saint Lucia	YES	YES	YES	YES

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 1. Denominations, letters, numbers, etc.				
Responding Countries/ Regional IP Offices	A. Words in foreign languages	B. Words in foreign scripts	C. Personal names	D. Names of famous people
St. Vincent & the Grenadines	YES	YES	YES	YES
Singapore	YES	YES	YES	YES
Slovakia	YES	YES	YES	YES
Slovenia	YES	YES	YES	YES
Spain	YES	YES	YES	YES
Sri Lanka	YES	YES	YES	YES
Sudan	YES	YES	YES	YES
Swaziland	N/A	N/A	N/A	N/A
Sweden	YES		YES	YES
Switzerland	YES	YES	YES	YES
Syrian Arab Rep.	YES	YES	YES	NO
Thailand	YES	YES	YES	YES
Trinidad & Tobago	YES	YES	YES	NO
Tunisia	YES	YES	YES	NO
Turkey	YES	YES	YES	YES
Ukraine	YES	YES	YES	YES
United Kingdom	YES	YES	YES	YES
USA	YES	YES	YES	YES
Uruguay	YES	YES	YES	YES
Zambia	YES		YES	YES
AIPO	YES		YES	YES
BBM	YES	YES	YES	YES
EC	YES	YES	YES	YES

A. If YES, please explain if there are any special registration requirements (such as translation):

The requirement of a translation of a trademark that consisted of words in foreign languages was mentioned in 37 replies. Many replies indicated that even if a translation was not required it was recommended. One reply stated that an application for a mark in a foreign language should be combined with the authorization for export of the goods concerned.

B. If YES, please explain if there are any special registration requirements (such as transliteration request):

The requirement of a transliteration of a trademark that consisted of words in foreign script was mentioned in 30 replies. Even though a transliteration was not required it was generally recommended. Some replies pointed out that if a mark was registered without a transliteration or a translation being presented, it was considered as a figurative mark.

D. If YES, please explain if there are any special registration requirements:

In the majority of the replies it was stated that consent from the famous person was required. Some replies pointed out that the registration of names of religious, tribal or political figures were against public order. Historical or cultural figures could not be registered in some countries (such as Beethoven or Mozart for CDs in class 9 of the Nice classification).

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP Office practices: 1. Denominations, letters, numbers, etc.			
Responding Countries/ Regional IP Offices	E. Letters	F. Numbers	G. Punctuation marks
Algeria	YES	YES	NO
Armenia	NO	NO	NO
Australia	YES	YES	YES
Austria	YES	YES	YES
Bangladesh	YES	YES	
Belarus	YES	YES	NO
Brazil	YES	YES	YES
Bulgaria	YES	YES	NO
China	YES	YES	YES
Colombia	YES	YES	YES
Costa Rica	YES	YES	YES
Croatia	YES	YES	YES
Czech Rep.	YES	YES	YES
Denmark	YES	YES	
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	NO
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	YES	YES	N/A
Germany	YES	YES	NO
Hungary	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	YES	N/A
Italy	YES	YES	YES
Jamaica	YES	YES	NO
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	NO
Lithuania	YES	YES	N/A
Madagascar	YES	YES	YES
Malta	YES	YES	YES
Mauritius	YES	YES	YES
Mexico	YES	YES	YES
Monaco	YES	YES	NO
Morocco	YES	YES	NO
New Zealand	YES	YES	YES
Norway	YES	YES	
Oman	YES	YES	
Pakistan	YES	YES	
Panama	YES	YES	NO
Philippines	YES	YES	YES
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	NO
Rep. of Moldova	YES	YES	NO
Romania	YES	YES	NO
Russian Federation	YES	YES	NO
Saint Lucia	YES	YES	YES

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP Office practices: 1. Denominations, letters, numbers, etc.			
Responding Countries/ Regional IP Offices	E. Letters	F. Numbers	G. Punctuation marks
St. Vincent & the Grenadines	YES	YES	YES
Singapore	YES	YES	
Slovakia	YES	YES	NO
Slovenia	YES	YES	YES
Spain	YES	YES	NO
Sri Lanka	YES	YES	YES
Sudan	YES	YES	N/A
Swaziland	YES	N/A	N/A
Sweden	YES	YES	
Switzerland	YES	YES	YES
Syrian Arab Rep.	YES	YES	YES
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	NO
Tunisia	YES	YES	YES
Turkey	YES	YES	YES
Ukraine	YES	YES	N/A
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	YES	YES	NO
AIPO	YES	YES	
BBM	YES	YES	YES
EC	YES	YES	YES

E. If YES, please explain if there are any special registration requirements:

Most of the replies emphasized that a mark had to be distinctive. The general approach was that a single letter or two-letter combinations, which were not presented in a distinctive way, were not registrable. However, evidence of use might make them registrable. Also, disclaimers might be required in respect of non-distinctive elements of the mark.

F. If YES, please explain if there are any special registration requirements:

See replies to the question 1.E.

G. If YES, please explain if there are any special registration requirements:

See replies to the question 1.E. One reply pointed out that punctuation marks were registrable as position marks. Such marks might be figurative or three-dimensional and they had to comply with the corresponding registration requirements. Also a description of the position of the sign should be submitted.

II. REGISTRABLE SIGNS
Can the following signs be registered as marks under the applicable legislation or under IP office practices:
2. Three-dimensional marks

Responding Countries/Regional IP Offices	A. Product packaging	B. Tradedress	C. Product shape	D. Others
Algeria	YES	YES	YES	NO
Armenia	YES	YES	YES	NO
Australia	YES	YES	YES	N/A
Austria	YES	YES	YES	YES
Bangladesh				
Belarus	YES		YES	NO
Brazil	YES	NO	YES	YES
Bulgaria	YES	NO	YES	NO
China	YES	YES	YES	
Colombia	YES	YES	YES	NO
Costa Rica	YES	YES	NO	NO
Croatia	YES	YES	YES	NO
Czech Rep.	YES	YES	YES	YES
Denmark	YES	YES	YES	N/A
Dominica				
Ecuador	YES	YES	YES	NO
El Salvador	YES	YES	YES	
Estonia	YES	YES	NO	
Finland	YES	YES	YES	
France	YES	YES	YES	YES
Georgia	YES	YES	YES	YES
Germany	YES	N/A	YES	
Hungary	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES	
Ireland	YES	YES	NO	NO
Italy	YES	YES	YES	NO
Jamaica	YES	N/A	YES	NO
Japan	YES	N/A	YES	YES
Kyrgyzstan	YES	YES	YES	N/A
Lithuania	YES	N/A	YES	N/A
Madagascar	YES	NO	YES	NO
Malta	YES	YES	YES	
Mauritius				
Mexico	YES	YES	YES	NO
Monaco	YES	YES	YES	NO
Morocco	YES	YES	YES	N/A
New Zealand	YES	YES	YES	N/A
Norway	YES	YES	YES	
Oman	YES	YES	YES	N/A
Pakistan	YES	YES	YES	N/A
Panama	YES	YES	YES	
Philippines	YES	N/A	NO	N/A
Portugal	YES	YES	NO	YES
Rep. of Korea	YES	NO	YES	N/A
Rep. of Moldova	YES	YES	NO	YES
Romania	YES	YES	NO	
Russian Federation	YES	YES	YES	N/A
Saint Lucia	YES	YES	YES	NO

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 2. Three-dimensional marks				
Responding Countries/Regional IP Offices	A. Product packaging	B. Tradedress	C. Product shape	D. Others
St. Vincent & the Grenadines	YES	NO	YES	N/A
Singapore	YES	YES	YES	NO
Slovakia	NO	NO	YES	NO
Slovenia	YES	NO	YES	
Spain	YES	YES	YES	
Sri Lanka	YES	YES	YES	YES
Sudan	YES	N/A		N/A
Swaziland	N/A	N/A	YES	
Sweden	YES	YES	YES	N/A
Switzerland	YES	YES	YES	NO
Syrian Arab Rep.	YES	YES		NO
Thailand	NO	NO	NO	YES
Trinidad & Tobago	YES	NO	YES	NO
Tunisia	YES	YES	YES	NO
Turkey	YES	YES	NO	NO
Ukraine	YES	YES	NO	NO
United Kingdom	YES	YES	YES	YES
USA	YES	YES	YES	N/A
Uruguay	YES	YES	YES	
Zambia	NO	NO	NO	NO
AIPO	YES		YES	
BBM	YES	YES	YES	
EC	YES	N/A	YES	YES

B. If YES, please explain what are the applicable legal and administrative requirements:

Graphic representation, such as drawings, views or photographs showing each feature was generally required. As endorsement on the registration a description of a trademark might be required. In one reply it was stated that a three-dimensional mark might comprise other elements such as figurative or word elements, colors or labels. This was referred to as “get up” but not as “tradedress”. The distinctiveness of such composite signs would be considered for the mark as a whole.

D. If YES, please list them and explain how they are represented graphically in the application and explain if there are any technical requirements:

Most replies indicated that a mark had to be distinctive and capable of being represented graphically. According to the case law in one country the form which characterizes a service could also be registered as a mark. Some pointed out that shapes unrelated to the product (e.g. the Mercedes star), the shape of the product itself, the shape of the packaging of the goods (containers, bottles) might be registrable.

II. REGISTRABLE SIGNS
2. Three-dimensional marks
E. According to the legislation of your country, what are the absolute grounds for refusal of a three-dimensional mark?

Responding Countries/Regional IP Offices	(i) The shape which results from the nature of the goods themselves	(ii) The shape which is necessary to obtain a technical result	(iii) The shape determined by its function (as opposed to (ii))	(iv) Other grounds
Algeria	YES		YES	
Armenia	YES	YES	YES	NO
Australia	NO	NO	NO	N/A
Austria	YES	YES	YES	YES
Bangladesh				
Belarus	YES	YES	YES	
Brazil	YES	YES	YES	YES
Bulgaria	YES	YES	YES	NO
China	YES	YES	YES	YES
Colombia	YES	YES	YES	NO
Costa Rica	YES	NO	NO	NO
Croatia	YES	YES	NO	YES
Czech Rep.	YES	YES	YES	YES
Denmark				
Dominica				
Ecuador	YES	YES	YES	NO
El Salvador	YES	YES	YES	YES
Estonia	YES	YES	YES	YES
Finland	YES	YES	YES	
France	YES	YES	YES	YES
Georgia	YES	YES	N/A	NO
Germany	YES	YES	YES	YES
Hungary	YES	YES	NO	YES
Iran (Islamic Rep. of)				
Ireland	YES	YES	YES	YES
Italy	YES	YES	YES	NO
Jamaica	YES	YES	YES	N/A
Japan	YES	YES	YES	NO
Kyrgyzstan	N/A	N/A	N/A	N/A
Lithuania	YES	YES	NO	N/A
Madagascar	YES	NO	YES	NO
Malta	YES	YES	NO	YES
Mauritius				
Mexico	YES	YES	YES	YES
Monaco	NO	NO	NO	YES
Morocco	NO	YES	YES	N/A
New Zealand	N/A	N/A	N/A	N/A
Norway				
Oman	YES	YES	YES	N/A
Pakistan	YES	YES	NO	YES
Panama	YES	YES	YES	
Philippines	YES	YES	YES	N/A
Portugal	YES	YES	YES	YES
Rep. of Korea	YES	YES	NO	YES
Rep. of Moldova	YES	YES	YES	YES

II. REGISTRABLE SIGNS
2. Three-dimensional marks
E. According to the legislation of your country, what are the absolute grounds for refusal of a three-dimensional mark?

Responding Countries/Regional IP Offices	(i) The shape which results from the nature of the goods themselves	(ii) The shape which is necessary to obtain a technical result	(iii) The shape determined by its function (as opposed to (ii))	(iv) Other grounds
Romania	YES	YES	NO	YES
Russian Federation	YES	N/A		NO
Saint Lucia	NO	NO	NO	NO
St. Vincent & the Grenadines	N/A	N/A	N/A	N/A
Singapore				
Slovakia	YES	YES	YES	NO
Slovenia	YES	YES	NO	NO
Spain	YES	YES	YES	
Sri Lanka	YES	YES	YES	YES
Sudan	YES	N/A	N/A	NO
Swaziland	N/A	NO	N/A	N/A
Sweden				
Switzerland	YES	YES	NO	YES
Syrian Arab Rep.	YES	YES	YES	YES
Thailand	YES	YES	YES	YES
Trinidad & Tobago	YES	YES	NO	YES
Tunisia	YES	YES	YES	YES
Turkey	YES	YES	NO	NO
Ukraine	YES	YES	YES	YES
United Kingdom	YES	YES	NO	YES
USA	YES	YES	YES	YES
Uruguay	YES	YES	YES	
Zambia	N/A	N/A	N/A	N/A
AIPO				
BBM	YES	YES	YES	YES
EC	YES	YES	NO	YES

E(iv): If YES, please explain:

The replies listed, among others, the shape that gave substantial value to the goods, shapes contrary to morality or public order, shapes not capable of distinguishing and the common or usual shape of a product or a packaging.

II. REGISTRABLE SIGNS 2. Three-dimensional marks		
Responding Countries/Regional IP Offices	F. If a three-dimensional mark is refused, can the holder convincingly prove that his/her sign has acquired a distinctive character through use?	G. If three-dimensional marks are protected in your country, has their introduction affected the volume of design registrations?
Algeria	NO	NO
Armenia	NO	YES
Australia	YES	NO
Austria	YES	NO
Bangladesh		
Belarus	YES	YES
Brazil	YES	NO
Bulgaria	YES	NO
China		NO
Colombia	YES	NO
Costa Rica	YES	NO
Croatia	YES	NO
Czech Rep.	YES	N/A
Denmark		
Dominica		
Ecuador	NO	YES
El Salvador	NO	N/A
Estonia	YES	N/A
Finland	YES	NO
France	YES	NO
Georgia	NO	NO
Germany	YES	YES
Hungary	NO	NO
Iran (Islamic Rep. of)	YES	NO
Ireland	N/A	NO
Italy	NO	NO
Jamaica	YES	YES
Japan	YES	NO
Kyrgyzstan	YES	NO
Lithuania	NO	NO
Madagascar	NO	NO
Malta	N/A	NO
Mauritius		
Mexico	NO	N/A
Monaco	YES	YES
Morocco	N/A	NO
New Zealand	YES	NO
Norway		
Oman	YES	N/A
Pakistan	YES	N/A
Panama	YES	YES
Philippines	YES	YES
Portugal	NO	NO
Rep. of Korea	YES	N/A
Rep. of Moldova	YES	NO
Romania	YES	
Russian Federation	YES	NO

II. REGISTRABLE SIGNS 2. Three-dimensional marks		
Responding Countries/Regional IP Offices	F. If a three-dimensional mark is refused, can the holder convincingly prove that his/her sign has acquired a distinctive character through use?	G. If three-dimensional marks are protected in your country, has their introduction affected the volume of design registrations?
Saint Lucia	YES	NO
St. Vincent & the Grenadines	YES	
Singapore		
Slovakia		
Slovenia	NO	NO
Spain	YES	N/A
Sri Lanka	YES	NO
Sudan	N/A	NO
Swaziland	YES	N/A
Sweden		
Switzerland	YES	NO
Syrian Arab Rep.	YES	NO
Thailand	YES	N/A
Trinidad & Tobago	YES	NO
Tunisia	YES	NO
Turkey	YES	NO
Ukraine	YES	NO
United Kingdom	YES	NO
USA	YES	N/A
Uruguay	NO	NO
Zambia		NO
AIPO		
BBM	YES	N/A
EC	YES	N/A

F. If YES, please explain by which means the distinctive character could be proved (filing evidence of use, opinion surveys etc.):

A few replies pointed out that evidence of acquired distinctiveness could overcome an objection of devoid of distinctive character but not an objection referred to in questions E.(i) to (iii). Some stated that all kinds of evidence might be taken into consideration, among others, invoices, delivery slips, order slips, bills, receipts, account books, pamphlets, printed matters (newspaper clippings, magazines, catalogues, leaflets) carrying advertisement, publicity, photograph showing the use of a trademark, a certificate issued by an advertisement agency, broadcasting agency, publisher or printer, certificate issued by a trade association or fellow traders, a certificate issued by a customer of goods or services or an agent, a certificate issued by a consumer, a certificate issued by a public organization (government authorities, local public bodies, foreign embassy, a Chamber of Commerce and Industry). Generally distinctive character and evidence of use might be proven if sufficient evidence was provided, i.e., opinion surveys. One reply pointed out that if a three-dimensional mark was treated as product packaging it might be protected as inherently distinctive without proof of acquired distinctiveness. In the case it was a product shape, then it could only be protected upon proof that it had acquired distinctiveness through use.

If YES, what are the criteria to determine the distinctive character of the shape of a product?

Many replies indicated that the affected trade circles must consider the shape as such as an indication of the origin and the shape as such must have the required degree of recognition. The results of opinion surveys played an important role in determining whether a mark had become distinctive.

II. REGISTRABLE SIGNS
Can the following signs be registered as marks under the applicable legislation or under IP office practices:
3. Other non-traditional marks

Responding Countries/ Regional IP Offices	A. Color marks			B. Sound marks	
	(i) Single color	(ii) Combination of colors	(iii) Single color or combination of colors associated with other signs	(i) Musical sounds	(ii) Other sounds
Algeria	YES	YES	YES	NO	NO
Armenia	NO	YES	YES	YES	YES
Australia	YES	YES	YES	YES	YES
Austria	YES	YES	YES	YES	YES
Bangladesh	YES	YES	YES	NO	NO
Belarus	YES	YES	YES	NO	NO
Brazil	NO	YES	YES	NO	NO
Bulgaria	NO	YES	YES	YES	NO
China	NO	YES	YES	YES	
Colombia	NO	YES	YES	YES	YES
Costa Rica	NO	NO	YES	YES	YES
Croatia	YES	YES	YES	NO	NO
Czech Rep.	YES	YES	YES	NO	NO
Denmark	N/A	YES	YES	YES	YES
Dominica					
Ecuador	YES	YES	YES	YES	YES
El Salvador	NO	YES	YES	NO	NO
Estonia	NO	YES	YES	NO	NO
Finland	YES	YES	YES	YES	
France	YES	YES	YES	YES	YES
Georgia	NO	YES	YES	YES	YES
Germany	YES	NO	YES	YES	YES
Hungary	YES	YES	YES	YES	N/A
Iran (Islamic Rep. of)	NO	NO	YES	NO	NO
Ireland	YES	YES	YES	YES	YES
Italy	YES	YES	YES	YES	YES
Jamaica	YES	YES	YES	YES	YES
Japan	NO	YES	YES	NO	NO
Kyrgyzstan	N/A	YES	YES	NO	NO
Lithuania	NO	YES	YES	YES	YES
Madagascar	YES	YES	YES	NO	NO
Malta	YES	YES	YES	NO	NO
Mauritius	YES	YES	YES	YES	NO
Mexico	NO	YES	NO	NO	NO
Monaco	YES	YES	YES	NO	NO
Morocco		YES	YES	NO	NO
New Zealand	YES	YES	YES	YES	YES
Norway	YES	YES	YES	YES	YES
Oman	YES	YES	YES	NO	NO
Pakistan	YES	YES	YES	YES	YES
Panama	NO	YES	YES	NO	NO
Philippines	YES	YES	YES	NO	NO
Portugal	NO	YES	YES	YES	NO

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 3. Other non-traditional marks					
Responding Countries/ Regional IP Offices	A. Color marks			B. Sound marks	
	(i) Single color	(ii) Combination of colors	(iii) Single color or combination of colors associated with other signs	(i) Musical sounds	(ii) Other sounds
Rep. of Korea	NO	NO	YES	NO	NO
Rep. of Moldova	NO	YES	YES	NO	NO
Romania	NO	YES		YES	
Russian Federation	YES	YES	N/A	YES	YES
Saint Lucia	YES	YES	YES	NO	NO
St. Vincent & the Grenadines	NO	YES	YES	YES	N/A
Singapore	YES	YES	YES	NO	NO
Slovakia	NO	YES	YES	NO	NO
Slovenia	YES	YES	N/A	N/A	N/A
Spain	YES	YES	YES	YES	
Sri Lanka	NO	YES	YES	NO	NO
Sudan	YES	YES	YES	N/A	N/A
Swaziland	YES	YES	YES	N/A	N/A
Sweden	YES	YES	YES	YES	YES
Switzerland	YES	N/A	YES	YES	YES
Syrian Arab Rep.	NO	YES	YES	NO	NO
Thailand	NO	YES	YES	NO	NO
Trinidad & Tobago	YES	YES	YES	NO	NO
Tunisia	YES	YES	YES	YES	NO
Turkey	NO	YES	YES	NO	NO
Ukraine	YES	YES	YES	YES	YES
United Kingdom	YES	YES	YES	YES	YES
USA	YES	YES	YES	YES	YES
Uruguay	NO	YES	YES	YES	YES
Zambia	NO	NO	YES	NO	NO
AIPO	YES	YES	YES	NO	NO
BBM	YES	YES	YES	NO	NO
EC	YES	YES	YES	YES	YES

A. If YES, please explain how the color or combination of colors are represented in the application:

Where a color or colors were claimed as element(s) of a trademark, most replies indicated that an application must include a description in words of the color(s) concerned. It must also include a representation of the mark in the particular color(s) claimed. Applicant might define color(s) using any recognized color matching system. Some replies stated that color alone marks might be registered as long as they were defined by a given form or in association with other signs. Prove that a sign had acquired a distinctive character through use was generally demanded. A few replies referred to a court decision, according to which color alone marks must be described by reference to an international color code (e.g., PANTONE®).

B(ii) If YES, please list them and explain how they are represented in the application, whether graphically or by other means:

The majority said that a sound had to be represented graphically, such as musical notations or words. Cassettes and CDs might also be provided. In one reply low of a cow and sound of an automobile horn were mentioned, provided that these sounds had distinctive features. The application must, in that case, include the characteristics of sound or the diagram of frequencies, with the soundtrack registered on an audiocassette.

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 3. Other non-traditional marks			
Responding Countries/Regional IP Offices	C. Olfactory marks	D. Holograms	E. Slogans
Algeria	NO	NO	YES
Armenia	NO	NO	YES
Australia	YES	YES	YES
Austria	NO	YES	YES
Bangladesh	NO	NO	YES
Belarus	NO	NO	YES
Brazil	NO	NO	NO
Bulgaria	NO	NO	YES
China	YES	NO	NO
Colombia	YES	YES	YES
Costa Rica	YES	N/A	YES
Croatia	NO	NO	YES
Czech Rep.	NO	N/A	YES
Denmark	NO	YES	YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	NO	YES	YES
Estonia	NO	YES	YES
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	N/A	N/A	YES
Germany	NO	NO	YES
Hungary	NO	YES	YES
Iran (Islamic Rep. of)	NO	NO	YES
Ireland	YES	YES	YES
Italy	YES	YES	YES
Jamaica	YES	N/A	YES
Japan	NO	NO	NO
Kyrgyzstan	NO	YES	YES
Lithuania	YES	YES	YES
Madagascar	NO	NO	YES
Malta	NO	NO	YES
Mauritius	NO		YES
Mexico	NO	NO	YES
Monaco	NO	NO	YES
Morocco	NO	YES	YES
New Zealand	YES	YES	YES
Norway	YES	YES	YES
Oman			
Pakistan	NO	YES	YES
Panama	NO	YES	YES
Philippines	NO	YES	YES
Portugal	NO	NO	YES
Rep. of Korea	NO	NO	NO
Rep. of Moldova	NO	N/A	YES
Romania	NO	YES	YES
Russian Federation	YES	NO	YES
Saint Lucia	NO	N/A	YES

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 3. Other non-traditional marks			
Responding Countries/Regional IP Offices	C. Olfactory marks	D. Holograms	E. Slogans
St. Vincent & the Grenadines	NO	NO	YES
Singapore	NO	YES	YES
Slovakia	NO	NO	YES
Slovenia	N/A	YES	YES
Spain	NO		YES
Sri Lanka	NO	NO	YES
Sudan			
Swaziland	N/A	N/A	N/A
Sweden	YES	YES	YES
Switzerland	YES	YES	YES
Syrian Arab Rep.			
Thailand	NO	NO	YES
Trinidad & Tobago	NO	NO	YES
Tunisia			
Turkey	NO	NO	YES
Ukraine	NO	NO	YES
United Kingdom	YES	NO	YES
USA	YES	YES	YES
Uruguay	NO	NO	YES
Zambia	NO	NO	YES
AIPO	NO	NO	YES
BBM	NO	YES	YES
EC	NO	YES	YES

C. If YES, explain how they are represented in the application, whether graphically or by other means:

Many replies indicated that the offices had not yet received any applications containing olfactory marks but, in principle, olfactory marks had to be represented graphically and contain a description of the composition and elements. However, many replies stated that for the time being, no means of satisfactory graphical presentation existed. A few replies mentioned a court decision according to which a chemical formula, description in words, deposit or a combination of them was all held to be insufficient.

D. If YES, explain how they are represented in the application, whether graphically or by other means:

Most replies indicated that the different views of the representation of a mark might be presented graphically. It was explained that taking a photocopy of a hologram would reveal the selection of pictures contained in a hologram. A hologram could therefor be represented graphically by a photocopy. Some replies stated that a selection of pictures revealing the whole of the holographic effect was required, and also an additional explanation of the effect in plain words.

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 3. Other non-traditional marks					
Responding Countries/Regional IP Offices	F. Movie/ book titles	G. Motion or multimedia signs	H. Others	I. Do the same examiners examine non-traditional and traditional marks?	J. Is there any special training given to those who examine non-traditional marks?
Algeria	YES	NO	NO	YES	NO
Armenia	N/A	NO	N/A	YES	NO
Australia	YES	YES		YES	YES
Austria	YES	NO	NO	YES	NO
Bangladesh	YES	YES	YES	YES	NO
Belarus	YES	NO	NO	YES	NO
Brazil	YES	NO	NO	YES	NO
Bulgaria	NO	NO	NO	YES	NO
China	YES	NO		YES	YES
Colombia	YES	YES	NO	YES	NO
Costa Rica	YES	NO		YES	NO
Croatia	YES	NO	NO	N/A	N/A
Czech Rep.	YES	NO	NO	YES	NO
Denmark	YES	YES	N/A	YES	NO
Dominica					
Ecuador	YES	YES	YES	YES	NO
El Salvador	YES	YES	NO	YES	NO
Estonia	YES	NO	NO	YES	NO
Finland	YES	YES		YES	NO
France	YES	NO	N/A	YES	NO
Georgia	N/A	N/A	NO	YES	NO
Germany	YES	YES	YES	YES	NO
Hungary	YES	NO	N/A	YES	NO
Iran (Islamic Rep. of)	YES	NO		YES	NO
Ireland	YES	YES		YES	N/A
Italy	YES	NO	NO	YES	NO
Jamaica	YES	N/A	N/A	YES	NO
Japan	NO	NO	NO	YES	NO
Kyrgyzstan	YES	NO	NO	YES	NO
Lithuania	N/A	N/A	NO	YES	NO
Madagascar	YES	NO	NO	YES	NO
Malta	NO	NO	NO	YES	NO
Mauritius	YES	YES		YES	NO
Mexico	YES	NO	NO	YES	YES
Monaco	YES	NO	YES	YES	NO
Morocco	YES	NO	N/A	NO	NO
New Zealand	YES	YES	YES	YES	NO
Norway	YES	YES	N/A	YES	NO
Oman	YES	N/A	N/A	YES	N/A
Pakistan	YES	NO			
Panama	YES	YES	NO	YES	NO
Philippines	YES	N/A	N/AS	YES	NO
Portugal	YES	NO	NO	YES	NO
Rep. of Korea	YES	NO	NO	YES	NO
Rep. of Moldova	YES	NO	NO	YES	NO

II. REGISTRABLE SIGNS Can the following signs be registered as marks under the applicable legislation or under IP office practices: 3. Other non-traditional marks					
Responding Countries/Regional IP Offices	F. Movie/ book titles	G. Motion or multimedia signs	H. Others	I. Do the same examiners examine non-traditional and traditional marks?	J. Is there any special training given to those who examine non-traditional marks?
Romania	YES	NO		YES	NO
Russian Federation	YES	YES	YES	YES	NO
Saint Lucia	YES	NO	NO	YES	YES
St. Vincent & the Grenadines	YES	YES	NO	NO	NO
Singapore	YES	YES	N/A	YES	YES
Slovakia	YES	NO	NO	YES	NO
Slovenia	YES	NO	NO	YES	NO
Spain	NO			YES	
Sri Lanka	YES	NO	NO	YES	NO
Sudan	YES	NO	NO	YES	YES
Swaziland	N/A	N/A	N/A	YES	NP
Sweden	YES	YES	N/A	YES	NO
Switzerland	YES	YES	YES	YES	YES
Syrian Arab Rep.	NO	NO	NO	YES	NO
Thailand	YES	NO	NO	YES	YES
Trinidad & Tobago	NO	NO	NO	NO	
Tunisia	NO	NO	NO	YES	NO
Turkey	YES	NO	NO	YES	NO
Ukraine	YES	NO	YES	YES	NO
United Kingdom	YES	YES	YES	YES	NO
USA	YES	YES	N/A	YES	YES
Uruguay	YES			YES	NO
Zambia	NO	NO	NO	YES	NO
AIPO	YES	NO	NO	YES	NO
BBM	YES	N/A		YES	NO
EC	YES	YES	YES	YES	NO

F. If YES, please explain if there are any special requirements:

Registration was generally allowed if an authorization to register, granted by the owner of the rights over the title, was presented. In many replies it was emphasized that the movie/book titles should not be against good manners.

G. If YES, please explain how they are represented graphically:

Some replies specified that all the stills that made up the multimedia effect, or a selection of samples sufficient to fully represent or reveal the distinctiveness of the multimedia effect, and an additional explanation of the effect in plain words must be submitted. It was generally required that an applicant file a sample of the full motion effect/multimedia sign on a digital data carrier in a data format chosen/accepted by the office, typically on a CD-ROM or a DVD.

H. If YES, please list them and explain how they are represented graphically, such as position marks:

One reply indicated that one touch mark had been accepted in embossed printing (braille). In another reply taste marks were mentioned, specified by written descriptions. In a third reply light signs were indicated. In that case an application had to include the characteristics of light symbols or signals, their sequence, duration of the luminescence and other features.

I. If NO, please explain:

In one reply it was explained that sound marks were examined by a single examiner and in another reply that special examiners examined color and scent marks.

J. If YES, please explain what kind of training:

Internal training at the office and WIPO's training sessions were mentioned.

II. REGISTRABLE SIGNS 4. Service Marks		
Responding Countries/ Regional IP Offices	4. Are service marks protected?	4(A) Are marks for retail services protected?
Algeria	YES	YES
Armenia	YES	YES
Australia	YES	YES
Austria	YES	NO
Bangladesh	NO	NO
Belarus	YES	YES
Brazil	YES	YES
Bulgaria	YES	NO
China	YES	YES
Colombia	YES	YES
Costa Rica	YES	YES
Croatia	YES	YES
Czech Rep.	YES	YES
Denmark	YES	YES
Dominica		
Ecuador	YES	YES
El Salvador	YES	
Estonia	YES	YES
Finland	YES	YES
France	YES	NO
Georgia	YES	YES
Germany	YES	NO
Hungary	YES	YES
Iran (Islamic Rep. of)	YES	YES
Ireland	YES	YES
Italy	YES	NO
Jamaica	YES	YES
Japan	YS	NO
Kyrgyzstan	YES	YES
Lithuania	YES	YES
Madagascar	YES	YES
Malta	YES	YES
Mauritius	YES	YES
Mexico	YES	YES
Monaco	YES	N/A
Morocco	YES	NO
New Zealand	YES	YES
Norway	YES	YES
Oman	YES	YES
Pakistan		
Panama	YES	YES
Philippines		YES
Portugal	YES	YES
Rep. of Korea	YES	NO
Rep. of Moldova	YES	YES
Romania	YES	YES
Russian Federation	YES	YES
Saint Lucia	YES	YES
St. Vincent & the Grenadines	YES	NO

II. REGISTRABLE SIGNS 4. Service Marks		
Responding Countries/ Regional IP Offices	4. Are service marks protected?	4(A) Are marks for retail services protected?
Singapore	YES	YES
Slovakia	YES	YES
Slovenia	YES	NO
Spain	YES	YES
Sri Lanka	YES	YES
Sudan	YES	YES
Swaziland	YES	YES
Sweden	YES	YES
Switzerland	YES	YES
Syrian Arab Rep.	YES	YES
Thailand	YES	YES
Trinidad & Tobago	YES	YES
Tunisia	YES	YES
Turkey	YES	YES
Ukraine	YES	YES
United Kingdom	YES	YES
USA	YES	YES
Uruguay		
Zambia	YES	NO
AIPO	YES	YES
BBM	YES	YES
EC	YES	YES

4(A) If YES, are they protected in a special class (class 35) or as such?

The majority of the replies stated that marks for retail services were protected in class 35. Some pointed out that the goods and/or services being sold and the mode of sale, e.g. shop, Internet, must be defined.

II. REGISTRABLE SIGNS 5. Special types of marks				
Responding Countries/ Regional IP Offices	A. Defensive marks	B. Associated marks	C. A series of marks	D. Collective marks
Algeria	YES	YES	NO	YES
Armenia	NO	NO	NO	YES
Australia	YES	YES	YES	YES
Austria	NO	NO	NO	YES
Bangladesh	YES	YES	YES	NO
Belarus	NO	NO	NO	YES
Brazil	NO	NO	NO	YES
Bulgaria	NO	NO	NO	YES
China	YES	YES	YES	YES
Colombia	NO	NO	NO	YES
Costa Rica	NO	NO	NO	YES
Croatia	NO	NO	NO	YES
Czech Rep.	NO	NO	NO	YES
Denmark	N/A	N/A	NO	YES
Dominica				
Ecuador	NO	NO		YES
El Salvador	N/A	N/A	N/A	YES
Estonia	NO	NO	NO	YES
Finland	N/A	N/A	N/A	YES
France	YES	N/A	N/A	YES
Georgia	N/A	N/A	N/A	YES
Germany	N/A	N/A	YES	YES
Hungary	NO	NO	NO	YES
Iran (Islamic Rep. of)	NO	NO	YES	YES
Ireland			YES	YES
Italy	NO	NO	NO	YES
Jamaica	NO		YES	YES
Japan	YES	NO	NO	YES
Kyrgyzstan	YES	YES	YES	YES
Lithuania	NO	NO	NO	YES
Madagascar	NO	NO	NO	YES
Malta	NO	NO	NO	YES
Mauritius	NO	NO	NO	YES
Mexico	NO	NO	NO	YES
Monaco	N/A/	YES	NO	YES
Morocco	YES	YES	YES	YES
New Zealand	NO	NO	YES	YES
Norway	YES	N/A	NO	YES
Oman	N/A	N/A	YES	N/A
Pakistan	YES	NO	YES	YES
Panama	N/A		N/A	YES
Philippines	NO	YES	N/A	YES
Portugal	NO	NO	NO	YES
Rep. of Korea	NO	NO	NO	YES
Rep. of Moldova	NO	NO	N/A	YES
Romania	NO	NO	NO	YES
Russian Federation	NO	NO	NO	YES
Saint Lucia	YES	NO	YES	YES
St. Vincent & the Grenadines	YES	NO	YES	YES

II. REGISTRABLE SIGNS 5. Special types of marks				
Responding Countries/ Regional IP Offices	A. Defensive marks	B. Associated marks	C. A series of marks	D. Collective marks
Singapore	NO	NO	YES	YES
Slovakia	YES	YES	YES	YES
Slovenia	NO	NO	NO	YES
Spain	NO	NO	NO	YES
Sri Lanka	NO	YES	NO	YES
Sudan	N/A	N/A	YES	N/A
Swaziland	N/A	N/A	YES	N/A
Sweden	YES	YES	YES	YES
Switzerland	YES	NO	YES	YES
Syrian Arab Rep.			NO	YES
Thailand	NO	YES	NO	NO
Trinidad & Tobago	NO		YES	NO
Tunisia	YES	YES	YES	YES
Turkey	NO	NO	NO	YES
Ukraine	NO	NO	NO	YES
United Kingdom	NO	NO	YES	YES
USA	NO	NO	NO	YES
Uruguay	N/A	N/A	N/A	YES
Zambia	YES	YES	YES	N/A
AIPO				YES
BBM	N/A	N/A	NO	YES
EC	NO	NO	NO	YES

A. If YES, please explain how they are defined and specify any special requirements:

According to some replies national laws stipulated defensive marks while others stated that they were recognized by the office practices. There was a wide divergence as regards the definitions and requirements.

B. If YES, please explain how they are defined and specify any special requirements:

See the reply to question 5.A.

C. If YES, please explain how they are defined and specify any special requirements:

In many replies series of marks were defined as a number of trade marks which resembled each other as to their material particulars and differed only as to matters of a non-distinctive character not substantially affecting the identity of the trademark. In some replies were mentioned requirements, such as one applicant, one receiving date, and one leading class.

D. If YES, please explain how they are defined and the particular requirements (such as regulations for use or minimum content of regulations):

On the basis of the replies, it appeared that there existed two types of collective marks, namely association marks and certification marks. Sometimes a collective mark was the same as an association mark, a specific sign which belongs to an association of enterprises and

which was used or intended to be used by its members for goods and services. Generally the regulations for use were required and the list of names of the persons authorized to use the mark. Also the statutes and possible sanctions in case of an unauthorized use were demanded. The collective marks were examined on the same basis as regular trademarks, e.g., they had to be capable of distinguishing. As regards certification marks, see the reply to question 5.E.

II. REGISTRABLE SIGNS 5. Special types of marks			
Responding Countries/ Regional IP Offices	E. Certification marks	F. Guarantee marks	G. Others
Algeria	YES		NO
Armenia	NO	NO	
Australia	YES	NO	N/A
Austria	NO	NO	NO
Bangladesh	YES		
Belarus	NO	NO	NO
Brazil	YES	NO	NO
Bulgaria	YES	NO	NO
China	YES	NO	NO
Colombia	YES	NO	NO
Costa Rica	YES	NO	YES
Croatia	NO	YES	NO
Czech Rep.	NO	NO	NO
Denmark	YES		N/A
Dominica			
Ecuador	YES	NO	NO
El Salvador	NO	NO	NO
Estonia	N/A	N/A	NO
Finland		N/A	
France	YES	NO	NO
Georgia	NO	NO	NO
Germany	YES	YES	
Hungary	YES	NO	NO
Iran (Islamic Rep. of)	YES	YES	
Ireland	YES	NO	N/A
Italy	NO	NO	NO
Jamaica	YES	NO	N/A
Japan	NO	NO	NO
Kyrgyzstan	NO	NO	NO
Lithuania	NO	NO	NO
Madagascar	NO	NO	NO
Malta	YES	NO	NO
Mauritius	NO	NO	
Mexico	NO	NO	NO
Monaco	YES	N/A	NO
Morocco	YES		NO
New Zealand	YES	N/O	N/A
Norway	YES		N/A
Oman		N/A	N/A
Pakistan	YES	NO	
Panama	YES	YES	NO
Philippines	NO	NO	N/A
Portugal	YES	NO	NO
Rep. of Korea	NO	NO	YES
Rep. of Moldova	YES	YES	NO
Romania	YES	NO	NO
Russian Federation	NO	NO	NO
Saint Lucia	YES	NO	NO
St. Vincent & the Grenadines	YES	NO	NO

II. REGISTRABLE SIGNS 5. Special types of marks			
Responding Countries/ Regional IP Offices	E. Certification marks	F. Guarantee marks	G. Others
Singapore	YES		N/A
Slovakia	YES		NO
Slovenia	NO	NO	NO
Spain	NO	YES	
Sri Lanka	YES	NO	NO
Sudan	N/A	N/A	NO
Swaziland	N.A	N/A	N/A
Sweden	YES		
Switzerland	NO	YES	NO
Syrian Arab Rep.	YES	YES	NO
Thailand	YES	NO	NO
Trinidad & Tobago	YES	NO	NO
Tunisia	YES	YES	NO
Turkey	NO	YES	NO
Ukraine	NO	NO	NO
United Kingdom	YES	NO	NO
USA	YES	NO	N/A
Uruguay	YES	YES	NO
Zambia	YES	N/A	N/A
AIPO	YES		
BBM	YES	YES	
EC	NO	NO	NO

E. If YES, please explain how they are defined and the particular requirements (such as regulations for use or minimum content of regulations):

Most replies indicated that certification marks were those used to attest that a product or service complied with established standards or specifications, particularly regarding its quality, material used and methodology employed. The characteristics of the product or service to be certified and the control measures to be adopted by the owner of the mark must be presented. Regulations for use were required. According to one reply certification marks indicated regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristic or that a member of a union or other organization performed the work or labor on the goods/services. Certification marks were not used by the owner of the mark but by third parties.

F. If YES, please explain how they are defined and the particular requirements (such as regulations for use or minimum content of regulations):

See the reply to the question 5.E.

G. If YES, please explain which types of marks:

Appellations of origin, commercial names and emblems were mentioned.

III. APPLICATION PROCEDURE			
Responding Countries/ Regional IP Offices	1. Must an application be based on use?	2. Must evidence of use be provided at the time of filing?	3. Must an application be based on intent to use?
Algeria	NO	NO	NO
Armenia	NO	NO	NO
Australia	NO	NO	YES
Austria	NO	NO	NO
Bangladesh	YES	NO	
Belarus	NO	NO	NO
Brazil	NO	N/A	NO
Bulgaria	NO	NO	NO
China	NO	NO	YES
Colombia	NO	NO	NO
Costa Rica	NO		YES
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark	NO	N/A	NO
Dominica			
Ecuador	NO	NO	NO
El Salvador	NO	NO	NO
Estonia	NO	NO	NO
Finland	NO	N/A	NO
France	NO	NO	NO
Georgia	NO	NO	NO
Germany	NO	NO	NO
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	NO	YES
Italy	NO	NO	NO
Jamaica	NO	NO	NO
Japan	NO	NO	YES
Kyrgyzstan	NO	NO	NO
Lithuania	NO	NO	NO
Madagascar	NO	NO	NO
Malta	NO	NO	YES
Mauritius	NO	NO	NO
Mexico	NO	NO	YES
Monaco	NO	NO	NO
Morocco	NO	NO	NO
New Zealand	NO	NO	NO
Norway	NO	N/A	YES
Oman	NO	NO	NO
Pakistan	NO	NO	YES
Panama	NO	NO	YES
Philippines	NO	NO	YES
Portugal	NO	NO	NO
Rep. of Korea	NO	NO	NO
Rep. of Moldova	NO	NO	NO
Romania	NO	NO	NO
Russian Federation	NO	NO	NO
Saint Lucia	YES	NO	YES
St. Vincent & the Grenadines	YES	NO	NO

III. APPLICATION PROCEDURE			
Responding Countries/ Regional IP Offices	1. Must an application be based on use?	2. Must evidence of use be provided at the time of filing?	3. Must an application be based on intent to use?
Singapore	NO	NO	NO
Slovakia	NO	NO	NO
Slovenia	NO	NO	NO
Spain	NO	NO	NO
Sri Lanka	NO	NO	NO
Sudan	NO	NO	YES
Swaziland	YES	NO	YES
Sweden		NO	NO
Switzerland	NO	NO	NO
Syrian Arab Rep.	NO	NO	NO
Thailand	NO	NO	YES
Trinidad & Tobago	NO	NO	NO
Tunisia	NO	NO	NO
Turkey	NO	NO	NO
Ukraine	NO	NO	NO
United Kingdom	NO	NO	YES
USA	NO	NO	YES
Uruguay	NO	NO	NO
Zambia	NO	NO	YES
AIPO	YES	NO	YES
BBM	NO	NO	NO
EC	NO	NO	NO

1. If YES, when does the protection start?

Out of the few replies that confirmed that an application must be based on use, two said that protection would start from the filing date of an application, one said that protection would start from the date of registration of a mark and, another one said that the domestic law did not provide for any special requirements in this regard.

3. If YES, what are the requirements?

The majority said that a declaration/statement of actual use or intent to use was required at the time of filing an application or, in one case specifically, within three years from that date. It was specified that applications must be based on a good faith intention to use the mark in commerce in respect of the goods/services covered by the registration, or used in connection with the applicant's business.

III. APPLICATION PROCEDURE			
Responding Countries/ Regional IP Offices	4. Must evidence of intent to use be provided at the time of filing?	5. Is use required before registration?	6. Does prior good faith use of a mark give an applicant a preferential right against another application?
Algeria	NO	NO	NO
Armenia	NO	NO	NO
Australia	NO	NO	YES
Austria	NO	NO	NO
Bangladesh	NO	NO	
Belarus	NO	NO	NO
Brazil	N/A	NO	YES
Bulgaria	NO	NO	NO
China	NO	NO	N/A
Colombia	NO	NO	NO
Costa Rica	NO	NO	YES
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark		NO	
Dominica			
Ecuador	NO	NO	NO
El Salvador	NO	NO	NO
Estonia	NO	NO	NO
Finland	N/A	NO	
France	NO	NO	NO
Georgia	NO	NO	YES
Germany	NO	NO	NO
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	YES	NO	YES
Ireland	NO	NO	YES
Italy	NO	NO	YES
Jamaica	NO	YES	YES
Japan	NO	NO	NO
Kyrgyzstan	NO	NO	NO
Lithuania	NO	NO	NO
Madagascar	NO	NO	NO
Malta	NO	NO	N/A
Mauritius	NO	NO	NO
Mexico	NO	NO	YES
Monaco	NO	NO	NO
Morocco	NO	NO	NO
New Zealand	N/A	NO	NO
Norway		NO	
Oman	NO	NO	YES
Pakistan	NO	NO	YES
Panama	NO	NO	YES
Philippines	NO	NO	NO
Portugal	NO	NO	YES
Rep. of Korea	NO	NO	NO
Rep. of Moldova	NO	NO	NO
Romania	NO	NO	NO
Russian Federation	NO	NO	NO
Saint Lucia	NO	NO	NO

III. APPLICATION PROCEDURE			
Responding Countries/ Regional IP Offices	4. Must evidence of intent to use be provided at the time of filing?	5. Is use required before registration?	6. Does prior good faith use of a mark give an applicant a preferential right against another application?
St. Vincent & the Grenadines	NO	NO	NO
Singapore		NO	
Slovakia	NO	YES	YES
Slovenia	NO	NO	NO
Spain	NO	NO	NO
Sri Lanka	NO	NO	YES
Sudan	NO	NO	YES
Swaziland	YES	NO	YES
Sweden	NO	NO	
Switzerland	NO	NO	NO
Syrian Arab Rep.	NO	NO	NO
Thailand	NO	NO	YES
Trinidad & Tobago	NO	NO	NO
Tunisia	NO	NO	NO
Turkey	NO	NO	NO
Ukraine	NO	NO	N/A
United Kingdom	NO	NO	NO
USA	YES	YES	NO
Uruguay	NO	NO	NO
Zambia	NO	NO	YES
AIPO		NO	
BBM	NO	NO	NO
EC	NO	NO	NO

6. If YES, please explain:

The general approach was that in case of two or more similar marks, a prior right would be given to a mark first used in commerce. However, some replies pointed out that this right would only be granted if the mark had been used for at least three or six months. Usually a prior right would be ensured by means of opposition, or through considering the well-known marks. One reply stated that prior rights served only as evidence in court actions.

III. APPLICATION PROCEDURE				
Responding Countries/Regional IP Offices	7. Is there a maximum time limit for a first IP office action on a trademark application?	8. Are procedures available to expedite the processing of an application?	8*bis*. If "YES" to 8, is there an additional fee?	9. Are multiple-class applications permitted
Algeria	NO	NO		YES
Armenia	YES	NO		YES
Australia	NO	YES	NO	YES
Austria	NO	NO		YES
Bangladesh	NO	YES	YES	NO
Belarus	YES	NO		YES
Brazil	NO	NO		NO
Bulgaria	NO	NO		YES
China	NO	NO		YES
Colombia	YES	NO		NO
Costa Rica	NO	NO	N/A	NO
Croatia	NO	NO	N/A	YES
Czech Rep.	NO	YES	NO	YES
Denmark	N/A	NO		YES
Dominica				
Ecuador	NO	NO		YES
El Salvador	YES	NO		NO
Estonia	NO	NO		YES
Finland	NO	YES	NO	YES
France	YES	NO		YES
Georgia	YES	NO		YES
Germany	NO	YES	YES	YES
Hungary	NO	NO	YES	YES
Iran (Islamic Rep. of)	YES	NO	NO	YES
Ireland	YES	NO	N/A	YES
Italy	NO	YES	NO	YES
Jamaica	YES	NO	N/A	YES
Japan	YES	YES	NO	YES
Kyrgyzstan	YES	YES	YES	YES
Lithuania	YES	YES	BO	YES
Madagascar	NO	YES	NO	YES
Malta	N/A	NO	N/A	NO
Mauritius	NO	NO	NO	YES
Mexico	YES	NO		NO
Monaco	YES	YES	NO	YES
Morocco	YES	NO	NO	YES
New Zealand	YES	NO	NO	YES
Norway	N/A	NO	N/A	YES
Oman	NO	NO	NO	N/A
Pakistan	YES	NO		NO
Panama	YES	NO		NO
Philippines	NO	YES	YES	YES
Portugal	YES	YES	YES	YES
Rep. of Korea	NO	NO		YES
Rep. of Moldova	NO	YES	YES	YES
Romania	NO	NO		YES
Russian Federation	NO	YES	YES	YES

III. APPLICATION PROCEDURE				
Responding Countries/Regional IP Offices	7. Is there a maximum time limit for a first IP office action on a trademark application?	8. Are procedures available to expedite the processing of an application?	8*bis*. If "YES" to 8, is there an additional fee?	9. Are multiple-class applications permitted
Saint Lucia	NO	YES	YES	YES
St. Vincent & the Grenadines	NO	YES	YES	YES
Singapore	N/A	YES	NO	NO
Slovakia	NO	YES	NO	YES
Slovenia	NO	YES	NO	YES
Spain	NO	YES	YES	YES
Sri Lanka	NO	NO		NO
Sudan	YES	YES	NO	YES
Swaziland	NO	YES	YES	YES
Sweden	NO	YES	NO	YES
Switzerland	YES	YES	YES	YES
Syrian Arab Rep.	NO	NO		YES
Thailand	NO	NO		NO
Trinidad & Tobago	NO	NO		YES
Tunisia	NO	NO		YES
Turkey	NO	YES	YES	YES
Ukraine	YES	NO		YES
United Kingdom	NO	NO		YES
USA	YES	YES	YES	YES
Uruguay	N/A	NO		YES
Zambia	YES	N/A	N/A	N/A
AIPO	NO	NO		YES
BBM	NO	YES	YES	YES
EC	NO	NO	N/A	YES

7. If YES, please explain if the time limit is stipulated by a statute or if it depends on the nature of the action, and how long the time limit is:

Time limits varied from 15 days to 18 months from the date of deposit of an application or, in one specific case, from the date of its publication. Time limits were usually stipulated by national or administrative statutes or laws and applied with regard to formal and/or substantive examination of a mark.

III. APPLICATION PROCEDURE			
Responding Countries/ Regional IP Offices	10. Is electronic filing permitted?	11. Can applications be assigned?	12. Can applications be modified?
Algeria	NO	YES	YES
Armenia	NO	YES	YES
Australia	YES	YES	YES
Austria	NO	YES	YES
Bangladesh	NO	YES	
Belarus	NO	YES	YES
Brazil	YES	YES	NO
Bulgaria	NO	YES	NO
China	YES	YES	YES
Colombia	NO	YES	YES
Costa Rica	NO	YES	YES
Croatia	NO	YES	YES
Czech Rep.	YES	YES	N/A
Denmark	YES	YES	
Dominica			
Ecuador	NO	YES	YES
El Salvador	NO	YES	YES
Estonia	NO	YES	NO
Finland	YES	YES	YES
France	NO	YES	YES
Georgia	NO	YES	YES
Germany	N/A	YES	NO
Hungary	NO	YES	YES
Iran (Islamic Rep. of)	NO	YES	YES
Ireland	NO	NO	YES
Italy	NO	YES	NO
Jamaica	N/A	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	N/A	YES	YES
Lithuania	NO		YES
Madagascar	NO	YES	YES
Malta	NO	YES	YES
Mauritius	NO	YES	YES
Mexico	NO	YES	YES
Monaco	NO	YES	YES
Morocco	NO	NO	NO
New Zealand	YES	YES	YES
Norway	YES	YES	
Oman	N/A	YES	YES
Pakistan	NO	YES	YES
Panama	NO	YES	YES
Philippines	NO	YES	YES
Portugal	NO		
Rep. of Korea	YES	YES	YES
Rep. of Moldova	N/A	YES	YES
Romania	NO	NO	YES
Russian Federation	NO	YES	YES
Saint Lucia	NO	YES	YES
Singapore	YES	YES	
Slovakia	NO	YES	YES
Slovenia	NO	YES	N/A

III. APPLICATION PROCEDURE			
Responding Countries/ Regional IP Offices	10. Is electronic filing permitted?	11. Can applications be assigned?	12. Can applications be modified?
Trinidad & Tobago	NO	YES	YES
Tunisia	NO	YES	YES
Turkey	NO	YES	NO
Ukraine	NO	YES	YES
United Kingdom	YES	YES	NO
USA	YES	YES	YES
Uruguay	N/A	YES	NO
Zambia	N/A	NO	YES
AIPO	YES		YES
BBM	YES	YES	NO
EC	YES	YES	YES

10. If YES, what are the benefits for the administration and are there any problems arising from its implementation?

The majority of replies indicated that electronic filing accelerated, facilitated and made the procedure efficient by reducing administration costs and enabling offices to check formalities automatically. It was also said that the system was user-friendly as it provided database search functions. One reply mentioned that almost half of the applications were filed electronically. Although no significant problems were reported, one reply stated that users found the system less accessible and electronic payment of fees problematic. Another reply pointed out the lack of a fully secured system, specifying that all applications currently filed by electronic means must be followed by the original in paper. However, secured electronic filing with electronic/digital signature would be available in the future.

11. If YES, please explain what the requirements are:

The majority said that an applicant might request the recording of the assignment of an application by presenting the deed of assignment (or its certified copy) and through payment of the prescribed fees (if any). Some required a request be made in a specific form. Others mentioned that a request must indicate all the details of an application, the signatures of the parties, a statement that the mark was in use, and the goods/services being assigned.

12. If YES, does the modification have an effect on the filing date or on the protection of the mark?

Some replies indicated that changes concerning only secondary aspects of an application (spelling errors, obvious mistakes, etc.), did not alter its filing date. On the other hand, changes affecting the essence of a mark or the scope of protection of an application (i.e., extension of the list of goods/services), were not permitted. However, others said that modifications did not affect at all the filing date or the protection of a mark. Finally, it was said that if a mark was replaced or essentially modified, the filing date would be that on which the change was made and, in some cases, the application would have to be republished.

IV. EXAMINATION PROCEDURE
1. *Ex officio* examination

Responding Countries/ Regional IP Offices	A. Does the IP office *ex officio* examine applications for marks with regards to:				
	(i) Formal requirements?	(ii) Absolute grounds/inherent registrability?	(iii) Relative grounds for refusal (prior rights)?	(iv) Grounds for refusal as a whole?	(v) Other
Algeria	YES	N/A	YES	YES	
Armenia	YES	YES	YES	YES	
Australia	YES	YES	YES	NO	YES
Austria	YES	YES	NO	YES	
Bangladesh	YES	YES	YES	YES	
Belarus	YES	YES	YES		
Brazil	YES	YES	YES	YES	NO
Bulgaria	YES	YES	YES	NO	
China	YES	YES	YES	N/A	
Colombia	YES	YES	YES	YES	
Costa Rica	YES	YES	YES	YES	
Croatia	YES	YES	NO	NO	
Czech Rep.	YES	YES	YES	YES	
Denmark	YES	YES	YES	YES	
Dominica					
Ecuador	YES	YES	YES	YES	
El Salvador	YES	YES	YES	N/A	
Estonia	YES	YES	YES	YES	
Finland	YES	YES	YES	YES	
France	YES	YES	NO		
Georgia	YES	YES	YES	YES	
Germany	YES	YES	NO	N/A	
Hungary	YES	YES	YES	YES	
Iran (Islamic Rep. of)	YES	YES	YES	YES	
Ireland	YES	YES	YES	NO	N/A
Italy	YES	YES	NO	YES	
Jamaica	YES	YES	YES	YES	N/A
Japan	YES	YES	YES	YES	
Kyrgyzstan	YES	YES	YES		NO
Lithuania	YES	YES	NO		
Madagascar	YES	NO	NO	YES	
Malta	YES	YES	YES	YES	
Mauritius	YES	YES	YES	YES	
Mexico	YES	YES	YES	YES	
Monaco	YES	YES	NO	N/A	
Morocco	YES	NO	NO	N/A	N/A
New Zealand	YES	YES	YES	YES	YES
Norway	YES	YES	YES	YES	
Oman	YES	YES	YES	YES	
Pakistan	YES	YES	YES	YES	
Panama	YES	YES	YES	N/A	
Philippines	YES	YES	YES	YES	
Portugal					
Rep. of Korea	YES	YES	YES	YES	
Rep. of Moldova	YES	YES	YES	YES	YES
Romania	YES	YES	YES	NO	

IV. EXAMINATION PROCEDURE 1. *Ex officio* examination					
Responding Countries/ Regional IP Offices	A. Does the IP office *ex officio* examine applications for marks with regards to:				
	(i) Formal requirements?	(ii) Absolute grounds/inherent registrability?	(iii) Relative grounds for refusal (prior rights)?	(iv) Grounds for refusal as a whole?	(v) Other
Russian Federation	YES	YES	YES	YES	
Saint Lucia	YES	YES	YES	YES	
St. Vincent & the Grenadines	YES			NO	
Singapore	YES	YES	YES		
Slovakia	YES	YES	NO	NO	
Slovenia	YES	YES	NO	N/A	
Spain	YES	YES	NO		
Sri Lanka	YES	YES	YES	N/A	
Sudan	YES	YES	YES	NO	
Swaziland	YES	YES	YES	N/A	
Sweden	YES	YES	YES	YES	
Switzerland	YES	YES	NO	NO	
Syrian Arab Rep.	YES	YES	YES	YES	
Thailand	YES	YES	YES	YES	
Trinidad & Tobago	YES	YES	YES	YES	
Tunisia	YES	YES	NO	NO	
Turkey	YES	YES	YES	YES	
Ukraine	YES	YES	YES	YES	
United Kingdom	YES	YES	YES	NO	
USA	YES	YES	YES	NO	
Uruguay	YES	YES	YES		
Zambia	YES	YES	YES	YES	
AIPO	YES	YES	NO		
BBM	YES	YES	NO		
EC	YES	YES	NO	NO	

A(v) Other:

In some replies some specific formal requirements were mentioned, such as capability of being represented graphically, as well as some absolute or relative grounds for refusal were listed.

IV. EXAMINATION PROCEDURE 1. *Ex officio* examination				
Responding Countries/ Regional IP Offices	B. Does the IP office publish the applications?	C. Does the *ex officio* substantive examination occur:		
		(i) Prior to the publication of the application?	(ii) After the publication of the application?	(iii). Does *ex officio* substantive examination occur prior to the publication of the registration?
Algeria	NO	YES		
Armenia	NO	NO	NO	YES
Australia	YES	NO	YES	N/A
Austria	NO			YES
Bangladesh		YES	NO	
Belarus	NO			YES
Brazil	YES	NO	YES	NO
Bulgaria	NO			YES
China	YES	YES		NO
Colombia	YES	NO	YES	NO
Costa Rica	NO			
Croatia	YES	YES	NO	YES
Czech Rep.	YES	YES	N/A	NO
Denmark		YES	N/A	
Dominica				
Ecuador	YES	NO	YES	NO
El Salvador	YES	YES	NO	NO
Estonia	YES	YES	NO	NO
Finland	NO			YES
France	YES	YES	YES	YES
Georgia	YES	YES	NO	YES
Germany	YES		YES	YES
Hungary	NO	N/A	N/A	
Iran (Islamic Rep. of)	YES	YES	NO	YES
Ireland	NO	YES	NO	NO
Italy	YES			YES
Jamaica	NO	YES	YES	N/A
Japan	NO			YES
Kyrgyzstan	YES	NO	NO	YES
Lithuania	NO	YES		
Madagascar	NO			YES
Malta	YES			YES
Mauritius	YES	YES	NO	NO
Mexico	NO	N/A	NO	YES
Monaco				YES
Morocco	YES			
New Zealand		YES	NO	NO
Norway		YES	N/A	
Oman	YES	YES	NO	NO
Pakistan	YES	YES	YES	YES
Panama	YES	YES		
Philippines		YES	NO	YES
Portugal	YES	NO	YES	YES
Rep. of Korea	YES	YES	YES	YES

IV. EXAMINATION PROCEDURE 1. *Ex officio* examination				
Responding Countries/ Regional IP Offices	B. Does the IP office publish the applications?	C. Does the *ex officio* substantive examination occur:		
		(i) Prior to the publication of the application?	(ii) After the publication of the application?	(iii). Does *ex officio* substantive examination occur prior to the publication of the registration?
Rep. of Moldova	YES	YES	NO	YES
Romania	NO			YES
Russian Federation	YES			YES
Saint Lucia		YES	NO	NO
St. Vincent & the Grenadines		NO	YES	YES
Singapore	YES			
Slovakia	YES	YES	NO	YES
Slovenia	YES	YES	NO	NO
Spain	YES		YES	
Sri Lanka			N/A	N/A
Sudan		YES	NO	NO
Swaziland			YES	YES
Sweden		NO	NO	
Switzerland				YES
Syrian Arab Rep.		YES	NO	NO
Thailand		YES		YES
Trinidad & Tobago		YES	NO	N/A
Tunisia	YES	YES	NO	NO
Turkey		YES	NO	NO
Ukraine	NO			YES
United Kingdom	YES	YES	NO	N/A
USA	YES	YES	YES	YES
Uruguay	YES	NO	YES	N/A
Zambia	NO	YES	NO	NO
AIPO	YES	YES		
BBM	YES	NO	YES	YES
EC	YES	YES	YES	YES

B. If YES, what are the legal effects of the publication?

Most replies indicated that the publication of an application marked the beginning of the time limit during which oppositions or observations might be filed. In one reply it was pointed out that an applicant was very restricted in amending the application in any way. Even if there were errors in an application which were applicant's or attorney's fault, these could not be corrected if they had the effect of extending the rights deriving from the application or substantially affecting its identity.

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal?

Responding Countries/ Regional IP Offices	A. Signs which are not capable of distinguishing	B. Signs which do not satisfy other requirement of the definition of a mark	C. Signs devoid of any distinctive character
Algeria	YES	YES	YES
Armenia	YES	YES	YES
Australia	YES	YES	YES
Austria	YES	YES	YES
Bangladesh			YES
Belarus	YES	YES	YES
Brazil	YES	YES	YES
Bulgaria	YES	YES	YES
China	YES	YES	YES
Colombia	YES	YES	YES
Costa Rica	YES	NO	YES
Croatia	YES	YES	YES
Czech Rep.	YES	YES	YES
Denmark	YES	YES	YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	NO	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	YES	YES	NO
Georgia	YES	YES	YES
Germany	YES	YES	YES
Hungary	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	YES	YES
Italy	YES	YES	YES
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	YES
Lithuania	YES	YES	YES
Madagascar			
Malta	YES	YES	YES
Mauritius	YES	YES	YES
Mexico	YES	YES	YES
Monaco	N/A	YES	YES
Morocco	NO	NO	NO
New Zealand	YES	YES	YES
Norway	YES	N/A	YES
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	N/A	N/A	YES
Philippines	YES	YES	YES
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	YES
Rep. of Moldova	YES	YES	YES
Romania		YES	YES

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal?

Responding Countries/ Regional IP Offices	A. Signs which are not capable of distinguishing	B. Signs which do not satisfy other requirement of the definition of a mark	C. Signs devoid of any distinctive character
Russian Federation	YES	YES	YES
Saint Lucia	YES	YES	YES
St. Vincent & the Grenadines	YES	YES	N/A
Singapore	YES	YES	YES
Slovakia	YES	YES	YES
Slovenia	YES	YES	YES
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	N/A	YES
Swaziland	YES	YES	YES
Sweden		YES	YES
Switzerland	YES	YES	YES
Syrian Arab Rep.	YES	YES	YES
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	YES	YES	YES
Turkey	YES	YES	YES
Ukraine	YES	NO	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	YES	YES	YES
AIPO		YES	YES
BBM	YES	YES	YES
EC	YES	YES	YES

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	D. Descriptive signs	E. Signs that have become generic	F. Generic terms
Algeria	YES	YES	YES
Armenia	YES	YES	YES
Australia	YES	NO	NO
Austria	YES	YES	YES
Bangladesh	YES		NO
Belarus	YES	YES	YES
Brazil	YES	YES	YES
Bulgaria	YES	YES	YES
China	YES	YES	N/A
Colombia	YES	YES	YES
Costa Rica	YES	YES	YES
Croatia	YES	YES	YES
Czech Rep.	YES	YES	NO
Denmark	YES	YES	YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	YES	YES	YES
Germany	YES	YES	NO
Hungary	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	
Ireland	YES	YES	
Italy	YES	YES	YES
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	YES
Lithuania			
Madagascar	YES	YES	YES
Malta	YES	YES	YES
Mauritius	YES	YES	YES
Mexico	YES	YES	YES
Monaco	NO	NO	NO
Morocco	YES	YES	YES
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines	YES	YES	YES
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	YES
Rep. of Moldova	YES	YES	YES
Romania	YES	YES	YES
Russian Federation	YES	YES	YES
Saint Lucia	N/A	NO	N/A

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	D. Descriptive signs	E. Signs that have become generic	F. Generic terms
St. Vincent & the Grenadines	YES	YES	YES
Singapore	YES	YES	YES
Slovakia	YES	YES	YES
Slovenia	YES	YES	YES
Spain	YES	YES	YES
Sri Lanka			
Sudan	NO	NO	NO
Swaziland	YES	YES	
Sweden	YES	YES	YES
Switzerland			
Syrian Arab Rep.	YES	YES	YES
Thailand	YES	YES	YES
Trinidad & Tobago			
Tunisia	YES	YES	YES
Turkey			
Ukraine	YES	YES	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	NO	YES	
AIPO	YES	YES	N/A
BBM	YES	YES	N/A
EC	YES	YES	N/A

F. If YES, describe how the term “generic” is understood:

The majority answered that generic terms were examined in respect of the claimed goods and/or services. Protection would be refused if the generic term was descriptive for the goods and/or services.

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	G. Signs contrary to morality or public order	H. Signs of such a nature as to deceive the public	I. Signs contrary to Article 6*ter* of the Paris Convention	J. Signs benefiting protection from other international conventions (Red Cross, Olympic symbols…)
Algeria	YES	YES	YES	YES
Armenia	YES	YES	YES	YES
Australia	YES	YES	YES	YES
Austria	YES	YES	YES	YES
Bangladesh	NO	NO	NO	NO
Belarus	YES	YES	YES	YES
Brazil	YES	YES	YES	YES
Bulgaria	YES	YES	YES	YES
China	YES	YES	YES	YES
Colombia	YES	YES	YES	YES
Costa Rica	YES	YES	YES	YES
Croatia	YES	YES	YES	YES
Czech Rep.	YES	YES	YES	YES
Denmark	YES	YES	YES	YES
Ecuador	YES	YES	YES	YES
El Salvador	YES	YES	YES	YES
Estonia	YES	YES	YES	YES
Finland	YES	YES	YES	YES
France	YES	YES	YES	YES
Georgia	YES	YES	YES	YES
Germany	YES	YES	YES	YES
Hungary	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES	YES
Ireland	YES	YES	YES	YES
Italy	YES	YES	YES	YES
Jamaica	YES	YES	YES	YES
Japan	YES	YES	YES	YES
Kyrgyzstan	YES	YES	YES	YES
Lithuania	YES	YES	YES	YES
Madagascar				
Malta	YES	YES	YES	YES
Mauritius	YES	YES	YES	YES
Mexico	YES	YES	YES	YES
Monaco	YES	YES	YES	NO
Morocco	YES	NO	YES	YES
New Zealand	YES	YES	YES	YES
Norway	YES	YES	YES	YES
Oman	YES	YES	YES	YES
Pakistan	YES	YES	YES	YES
Panama	YES	YES	YES	YES
Philippines	YES	YES	YES	YES
Portugal	YES	YES	YES	YES
Rep. of Korea	YES	YES	YES	YES

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	G. Signs contrary to morality or public order	H. Signs of such a nature as to deceive the public	I. Signs contrary to Article 6*ter* of the Paris Convention	J. Signs benefiting protection from other international conventions (Red Cross, Olympic symbols…)
Rep. of Moldova	YES	YES	YES	YES
Romania	YES	YES	YES	YES
Russian Federation	YES	YES	YES	YES
Saint Lucia	YES	YES	YES	NO
St. Vincent & the Grenadines	YES	YES	YES	YES
Singapore	YES	YES	YES	YES
Slovakia	YES	YES	YES	YES
Slovenia	YES	YES	YES	YES
Spain	YES	YES	YES	YES
Sri Lanka	YES	YES	YES	YES
Sudan	YES	YES	YES	YES
Swaziland	YES	YES	YES	YES
Sweden	YES	YES	YES	YES
Switzerland	YES	YES	YES	YES
Syrian Arab Rep.	YES	YES	YES	YES
Thailand	YES	YES	YES	YES
Trinidad & Tobago	YES	YES	YES	YES
Tunisia	YES	YES	YES	YES
Turkey	YES	YES	YES	YES
Ukraine	YES	YES	YES	YES
United Kingdom	YES	YES	YES	YES
USA	YES	YES	YES	YES
Uruguay	YES	YES	YES	YES
Zambia	YES	YES	YES	YES
AIPO	YES	YES	YES	YES
BBM	YES	YES	YES	N/A
EC	YES	YES	YES	NO

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	K. Signs protected by national laws:			L. Well-known/ famous marks/ marks having a reputation
	(i) Royal emblems	(ii) Signs of indigenous people and local communities	(iii) Others	
Algeria	YES			YES
Armenia	NO	NO	YES	YES
Australia	NO	NO	YES	NO
Austria	NO	NO	NO	NO
Bangladesh	NO	NO	N/A	NO
Belarus	NO	NO	YES	NO
Brazil	YES	NO	YES	YES
Bulgaria	NO	NO	NO	YES
China	NO	NO		YES
Colombia	YES	YES	YES	YES
Costa Rica	YES	YES	YES	YES
Croatia	NO	YES	YES	NO
Czech Rep.	YES	NO	N/A	NO
Denmark	YES	N/A	YES	NO
Ecuador	YES	YES	YES	YES
El Salvador	N/A	YES	YES	YES
Estonia	NO	YES	YES	NO
Finland		N/A		NO
France	NO	NO	NO	NO
Georgia	YES	YES	YES	NO
Germany	NO	YES		YES
Hungary	YES	NO	YES	NO
Iran (Islamic Rep. of)	YES	YES		YES
Ireland	YES			YES
Italy	NO	NO	YES	NO
Jamaica	YES	YES	YES	YES
Japan	YES	N/A	YES	YES
Kyrgyzstan	N/A	N/A	N/A	NO
Lithuania	NO	NO	YES	NO
Madagascar				
Malta	YES			YES
Mauritius	YES			YES
Mexico	YES	YES	YES	YES
Monaco	YES	NO	NO	YES
Morocco	YES	NO		NO
New Zealand	YES	YES	YES	YES
Norway	YES	YES	YES	YES
Oman	YES	YES	YES	YES
Pakistan	YES	NO		YES
Panama	YES	YES		YES
Philippines	YES	N/A	N/A	NO
Portugal	NO	YES	YES	NO
Rep. of Korea				YES

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	K. Signs protected by national laws:			L. Well-known/ famous marks/ marks having a reputation
	(i) Royal emblems	(ii) Signs of indigenous people and local communities	(iii) Others	
Rep. of Moldova	YES	YES	N/A	YES
Romania	NO	NO	NO	YES
Russian Federation	YES	YES	YES	YES
Saint Lucia	YES	NO	N/A	YES
St. Vincent & the Grenadines	YES	N/A	YES	NO
Singapore	YES	NO	N/A	NO
Slovakia	YES	YES	YES	NO
Slovenia			YES	N/A
Spain	YES		YES	
Sri Lanka	YES	YES	YES	YES
Sudan	YES	YES	YES	YES
Swaziland	YES	N/A		YES
Sweden	YES	NO	YES	NO
Switzerland	NO	NO	YES	NO
Syrian Arab Rep.	YES	YES	YES	YES
Thailand	YES	YES	YES	YES
Trinidad & Tobago	YES	NO	NO	YES
Tunisia	YES	NO	NO	NO
Turkey	YES	YES	YES	YES
Ukraine	NO	NO	NO	YES
United Kingdom	YES	NO	NO	NO
USA	NO	YES	N/A	YES
Uruguay	YES	YES		YES
Zambia	YES	N/A	N/A	N/A
AIPO	NO	NO	NO	NO
BBM	N/A	N/A	N/A	NO
EC	NO	NO	NO	NO

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	M. Appellations of origin, protected geographical indications	N. Business names/business identifiers	O. Names of famous people	P. Foreign words or expressions	Q. Others
Algeria	YES	YES	YES	N/A	
Armenia	YES	YES	YES	YES	
Australia	YES	NO	N O	NO	
Austria	YES	NO	NO	NO	
Bangladesh	NO	NO	NO	YES	
Belarus	NO	NO	NO	NO	
Brazil	YES	YES	YES	YES	NO
Bulgaria	YES	NO	YES	YES	
China	YES	N/A	YES	YES	
Colombia	YES	YES	YES	NO	
Costa Rica	YES	YES	YES	NO	
Croatia	NO	NO	NO	NO	NO
Czech Rep.	NO	NO	NO	NO	
Denmark	N/A	NO	NO	N/A	
Dominica					
Ecuador	YES	YES	YES	NO	
El Salvador	YES	YES	YES	N	YES
Estonia	YES	NO	NO	NO	YES
Finland	YES				
France	YES	NO	NO	NO	
Georgia	NO	NO	NO	NO	YES
Germany	YES	NO	NO	NO	YES
Hungary	NO	NO	NO	NO	
Iran (Islamic Rep. of)	YES	YES	YES	NO	
Ireland					
Italy	YES	NO	YES	YES	
Jamaica	YES	YES	YES	YES	N/A
Japan	YES	N/A	YES	N/A	YES
Kyrgyzstan	YES	NO	NO	NO	
Lithuania	N/A	NO	NO	N/A	
Madagascar					
Malta	YES	NO	NO	NO	
Mauritius	YES	YES	YES	YES	
Mexico	YES	NO	YES	NO	YES
Monaco	YES	NO	NO	NO	
Morocco	NO	NO	NO	N/A	
New Zealand	YES	NO	YES	NO	YES
Norway	YES	YES	YES	YES	YES
Oman	YES	YES	YES	NO	
Pakistan	YES	YES	NO	NO	
Panama	YES	YES	YES	NO	
Philippines	YES	NO	YES	NO	
Portugal	NO	NO	NO	NO	YES
Rep. of Korea	YES	NO	YES	NO	
Rep. of Moldova	YES	NO	YES	NO	

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	M. Appellations of origin, protected geographical indications	N. Business names/business identifiers	O. Names of famous people	P. Foreign words or expressions	Q. Others
Romania	YES	YES	YES	YES	YES
Russian Federation	YES	YES	YES	NO	YES
Saint Lucia	YES	NO	YES	YES	
St. Vincent & the Grenadines	NO	NO	NO	NO	
Singapore	YES	NO	NO	NO	
Slovakia	NO	NO	NO	NO	
Slovenia	YES	N/A			
Spain	YES				
Sri Lanka	YES	YES	YES	YES	
Sudan	YES	NO	NO	NO	
Swaziland	N/A	YES	YES	YES	
Sweden	YES	NO	NO	NO	
Switzerland	YES	NO	YES	YES	
Syrian Arab Rep.	YES	YES	YES	NO	
Thailand	YES	YES	YES	NO	
Trinidad & Tobago	YES	NO	NO	NO	
Tunisia	NO	NO	NO	NO	
Turkey	YES	NO	NO	NO	
Ukraine	YES	YES	YES	NO	
United Kingdom	YES	NO	NO	NO	
USA	YES	YES	YES	YES	
Uruguay	YES	NO	NO	YES	
Zambia	N/A	NO	NO	NO	
AIPO	NO	NO	NO	NO	
BBM	YES	NO	NO	NO	
EC	YES	NO	NO	NO	YES

Q. Other:

In one reply it was indicated that a sign should not be granted protection if its registration was applied in bad faith. Also a sign should not be granted protection if it consisted of symbols having close relation to religious or any other beliefs. Plant variety names and International Nonproprietary Names (INNs) for Pharmaceutical Substances were also mentioned as absolute grounds for refusal. In one reply were listed trademarks which consisted solely of a mark indicating, in a common way, a commonplace surname or name of a legal entity, trademarks comprising a sign which was identical with, or similar to, a prize awarded at an exhibition held by the Government or a local public entity or at one which was not held by the Government, but had been designated by the Commissioner of the Patent Office or at an international exhibition held in a foreign country by its government or a person authorized thereby and trademarks which are identical with or similar to a famous mark indicating a non-profit public entity of public service.

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	R. Must the examiner follow precedents?		S. Does the IP office envisage filing of *ex parte* objections?	T. Length of time given to applicant to respond to *ex parte* objections:	U. Are extensions of time granted to respond to *ex parte* objections?
	(i) Decisions of judicial or administrative tribunals	(ii) Decisions of other examiners			
Algeria	N/A	N/A	NO		NO
Armenia	NO	NO	YES	2 months	YES
Australia	YES	NO	YES	15 months	YES
Austria	NO	NO	YES	2 months	YES
Bangladesh				3 months	YES
Belarus	NO	YES			
Brazil	YES	YES	NO		N/A
Bulgaria	NO	NO	NO		
China	YES	N/A	NO		
Colombia	YES	YES	YES	30 days	NO
Costa Rica	YES	YES	NO		
Croatia	NO	NO	YES	15 days	NO
Czech Rep.	N/A	N/A	NO		N/A
Denmark	YES	N/A		4 or 8 months	YES
Dominica					
Ecuador	YES	YES	NO		
El Salvador	YES	YES	YES	2 months	NO
Estonia	NO	YES	N/A		N/A
Finland	YES	NO	N/A		
France	YES	NO	YES	No obligation to respond	NO
Georgia	NO	NO	YES	2 months	N/A
Germany	NO	NO	N/A		
Hungary	NO	NO	YES		N/A
Iran (Islamic Rep. of)	YES	NO	YES	60 days	NO
Ireland					NO
Italy	NO	NO	NO		
Jamaica	YES	YES	YES	3 months	YES
Japan	N/A	N/A			
Kyrgyzstan	N/A	N/A	YES	2 months	YES
Lithuania	YES	N/A	YES	3 to 5 months	YES
Madagascar					
Malta	NO	YES	NO		
Mauritius	YES	YES	YES		
Mexico	YES	NO			
Monaco	YES	YES	NO		
Morocco	N/A	N/A	NO		
New Zealand	YES	NO	NO	N/A	N/A
Norway	YES	NO		3 months	YES
Oman	YES	YES	YES	2 months	NO
Pakistan					
Panama	YES	NO	YES	90 days	NO
Philippines	YES	NO	NO		

IV. EXAMINATION PROCEDURE
2. Absolute grounds for refusal
If the application is examined to determine whether it meets statutory requirements, what are, according to your legislation, the absolute grounds for refusal

Responding Countries/ Regional IP Offices	R. Must the examiner follow precedents?		S. Does the IP office envisage filing of *ex parte* objections?	T. Length of time given to applicant to respond to *ex parte* objections:	U. Are extensions of time granted to respond to *ex parte* objections?
	(i) Decisions of judicial or administrative tribunals	(ii) Decisions of other examiners			
Portugal	YES	NO	YES		YES
Rep. of Korea	NO	NO	N/A		N/A
Rep. of Moldova	NO	NO	YES	3 to 6 months	YES
Romania	NO	YES	YES	3 months	YES
Russian Federation	NO	NO	NO		
Saint Lucia	NO	NO	YES	3 to 1 year	YES
St. Vincent & the Grenadines	YES	YES	YES	3 months	YES
Singapore	N/A	N/A		Within 2 months	YES
Slovakia	YES	YES	YES	2 months	YES
Slovenia	YES	YES	YES		NO
Spain	YES	NO	YES	1 month	YES
Sri Lanka	YES	NO	YES	1 month	YES
Sudan	N/A	N/A	YES	1 month	YES
Swaziland	YES	NO	YES	Within 3 months	YES
Sweden	YES	NO			
Switzerland	YES	YES	NO		
Syrian Arab Rep.	NO	NO	YES		NO
Thailand	YES	NO	YES	90 days	NO
Trinidad & Tobago	YES		YES	3 months	YES
Tunisia	NO	NO	YES	45 days	NO
Turkey	YES	YES	YES	2 months	NO
Ukraine	NO	NO	YES		NO
United Kingdom	YES	NO	YES	3 months	YES
USA	YES	NO	YES	6 months	YES
Uruguay	NO	NO	YES	30 days	YES
Zambia	YES	YES	NO		
AIPO	NO	NO		3 months	YES
BBM	YES	NO	NO		
EC	NO	NO	YES	2 months	YES

R.(i) If YES, please explain the practical consequences:

Most replies stated that examiners followed thoroughly established judicial and administrative precedents and understandings in order to support their own decisions.

R.(ii) If YES, please explain the practical consequences:

Most replies indicated that examiners needed to consider precedents when making decisions. Consistency was considered desirable but might not always be appropriate. In order to support decisions, examiners followed decisions of other examiners, when such decisions were based on well-established understandings.

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined *ex officio* to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights?

Responding Countries/ Regional IP Offices	A. An identical mark registered or applied for by another person in respect of identical goods or services	B. An identical mark registered or applied for by another person in respect of similar goods or services	C. A similar mark registered or applied for by another person in respect of identical goods or services	D. A similar mark registered or applied for by another person in respect of similar goods or services
Algeria	YES	YES	YES	YES
Armenia	YES	YES	YES	YES
Australia	YES	YES	YES	YES
Austria	N/A	N/A	N/A	N/A
Bangladesh	NO	NO	NO	NO
Belarus	YES	YES	YES	YES
Brazil	YES	YES	YES	YES
Bulgaria	YES	YES	YES	YES
China	YES	YES	YES	YES
Colombia	YES	YES	YES	YES
Costa Rica	YES	NO	YES	NO
Croatia	N/A	N/A	N/A	N/A
Czech Rep.	YES	YES	YES	YES
Denmark	YES	YES	YES	YES
Dominica				
Ecuador	YES	YES	YES	YES
El Salvador	YES	YES	YES	YES
Estonia	YES	YES	YES	YES
Finland	YES	YES	YES	YES
France				
Georgia	YES	YES	YES	YES
Germany				
Hungary	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES	YES
Ireland	YES	YES	YES	YES
Italy				
Jamaica	YES	YES	YES	YES
Japan	YES	YES	YES	YES
Kyrgyzstan	YES	YES	YES	YES
Lithuania	YES	YES	YES	YES
Madagascar				
Malta	YES	YES	YES	YES
Mauritius	YES	YES	YES	YES
Mexico	YES	YES	YES	YES
Monaco	NO	NO	NO	NO
Morocco	N/A	N/A	N/A	N/A
New Zealand	YES	YES	YES	YES
Norway	YES	YES	YES	YES
Oman	YES	YES	YES	YES
Pakistan	YES	YES	YES	YES
Panama	YES	YES	YES	YES
Philippines	YES	YES	YES	YES
Portugal	YES	YES	YES	YES

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined *ex officio* to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights?

Responding Countries/ Regional IP Offices	A. An identical mark registered or applied for by another person in respect of identical goods or services	B. An identical mark registered or applied for by another person in respect of similar goods or services	C. A similar mark registered or applied for by another person in respect of identical goods or services	D. A similar mark registered or applied for by another person in respect of similar goods or services
Rep. of Korea	YES	YES	YES	YES
Rep. of Moldova	YES	NO	YES	NO
Romania	YES	YES	YES	YES
Russian Federation	YES	YES	YES	YES
Saint Lucia	YES	YES	YES	YES
St. Vincent & the Grenadines	YES	YES	YES	YES
Singapore	YES	YES	YES	YES
Slovakia	YES	YES	YES	YES
Slovenia				
Spain				
Sri Lanka	YES	YES	YES	YES
Sudan	YES	YES	YES	YES
Swaziland	YES	YES	YES	YES
Sweden	YES	YES	YES	YES
Switzerland				
Syrian Arab Rep.	YES	NO	YES	NO
Thailand	YES	YES	YES	YES
Trinidad & Tobago	YES	YES	YES	YES
Tunisia	N/A	N/A	N/A	N/A
Turkey	YES	YES	YES	YES
Ukraine	YES	YES	YES	YES
United Kingdom	YES	YES	YES	YES
USA	YES	YES	YES	YES
Uruguay	YES	YES	YES	YES
Zambia	YES	YES	YES	YES
AIPO	YES	YES	YES	YES
BBM				
EC				

D. Please explain, whether in all cases a likelihood of confusion is necessary or only cases B to D:

Many replies indicated that likelihood of confusion was necessary only in cases B to D. A minor group required likelihood of confusion in all cases.

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	E. A well-known mark	F. Signs of indigenous peoples and local communities	G. Business names/ business identifiers (tradenames, abbreviations of tradenames)	H. Appellation of origin/protected geographical indications
Algeria	YES	N/A		YES
Armenia	YES	NO	YES	YES
Australia	NO	NO	NO	YES
Austria	N/A	N/A	N/A	N/A
Bangladesh	NO	YES	NO	NO
Belarus	YES	NO	YES	YES
Brazil	YES	NO	NO	YES
Bulgaria	YES	NO	NO	YES
China	YES	YES	YES	YES
Colombia	YES	YES	YES	YES
Costa Rica	YES	NO	YES	YES
Croatia	N/A	N/A	N/A	N/A
Czech Rep.	NO	NO	NO	NO
Denmark	YES	N/A	YES	N/A
Dominica				
Ecuador	YES	YES	YES	YES
El Salvador	YES	YES	YES	YES
Estonia	YES	N/A	YES	YES
Finland	YES	YES	YES	YES
France				
Georgia	YES	NO	YES	YES
Germany				
Hungary	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES	YES
Ireland	YES			YES
Italy				
Jamaica	YES	YES	YES	YES
Japan	YES	N/A	N/A	YES
Kyrgyzstan	YES	N/A	YES	YES
Lithuania	YES	YES	YES	YES
Madagascar				
Malta	YES	N/A	N/A	N/A
Mauritius	YES	YES	YES	YES
Mexico	YES	YES	NO	YES
Monaco	YES	NO	NO	NO
Morocco	N/A	N/A	N/A	N/A
New Zealand	NO	NO	NO	NO
Norway	YES	YES	YES	YES
Oman	YES	YES	YES	YES
Pakistan	YES	NO	YES	NO
Panama	YES	YES		YES
Philippines	YES	N/A	YES	YES
Portugal	YES	NO	YES	YES
Rep. of Korea	YES	N/A	NO	YES
Rep. of Moldova	YES	YES	NO	YES

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	E. A well-known mark	F. Signs of indigenous peoples and local communities	G. Business names/ business identifiers (tradenames, abbreviations of tradenames)	H. Appellation of origin/protected geographical indications
Romania	YES	NO	YES	YES
Russian Federation	YES	NO	YES	YES
Saint Lucia	YES	NO	NO	YES
St. Vincent & the Grenadines	NO	NO	NO	NO
Singapore	YES	NO	NO	NO
Slovakia	YES	YES	YES	YES
Slovenia				
Spain				
Sri Lanka	YES	YES	YES	YES
Sudan	YES	NO	N/A	N/A
Swaziland	YES	YES	YES	YES
Sweden	YES	NO	YES	YES
Switzerland				
Syrian Arab Rep.	YES	YES	YES	YES
Thailand	YES	NO	YES	NO
Trinidad & Tobago	NO	NO	NO	YES
Tunisia	NO	N/A	NO	NO
Turkey	YES	YES	YES	YES
Ukraine	YES	NO	YES	YES
United Kingdom	NO	NO	NO	NO
USA	YES	YES	YES	YES
Uruguay	YES	YES	YES	NO
Zambia	N/A	N/A	NO	N/A
AIPO	NO	NO	YES	YES
BBM				
EC	NO	NO	YES	YES

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	I. Industrial designs	J. Copyrights	K. Personal names	L. Collective, guarantee or certification marks	M. Unregistered trademarks	N. Others
Algeria	NO	YES	YES			
Armenia	YES	YES	NO	YES	NO	
Australia	NO	NO	NO	YES	NO	NO
Austria	N/A	N/A	N/A	YES	NO	NO
Bangladesh		N/A	YES	N/A	N/A	N/A
Belarus	YES	YES	YES	YES	YES	YES
Brazil	NO	NO	YES	YES	NO	NO
Bulgaria	NO	NO	NO	YES	NO	YES
China	YES	YES	NO	YES	YES	
Colombia	YES	YES	YES	YES	YES	N/A
Costa Rica	YES	YES	YES	YES	YES	NO
Croatia	N/A	N/A	N/A	YES	YES	NO
Czech Rep.	NO	NO	NO	N/A	N/A	N/A
Denmark	YES	YES	YES	N/A	NO	NO
Dominica				YES	YES	N/A
Ecuador	YES	YES	YES			
El Salvador	YES	YES	YES	YES	NO	YES
Estonia	YES	YES		YES	YES	YES
Finland	YES	YES	YES	YES	NO	
France				YES	YES	
Georgia	YES	N/A	YES			
Germany				YES	NO	YES
Hungary	YES	YES	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES			
Ireland	YES	YES	YES	YES	NO	
Italy				YES	YES	
Jamaica	YES	YES	YES			
Japan	NO	NO	YES	YES	YES	N/A
Kyrgyzstan	YES	YES	NO	YES	N/A	YES
Lithuania	YES	YES	YES	YES	NO	NO
Madagascar				YES	N/A	N/A
Malta	N/A	N/A	N/A			
Mauritius	YES	YES	NO	N/A	YES	
Mexico	NO	YES	YES	YES	YES	
Monaco	NO	NO	NO	YES	NO	NO
Morocco	N/A	N/A	N/A	NO	NO	NO
New Zealand	NO	NO	YES	N/A	NO	N/A
Norway	YES	YES	YES	NO	NO	YES
Oman	YES	YES	YES	YES	YES	NO
Pakistan	NO	NO		YES	YES	YES
Panama	YES	YES	YES			
Philippines	NO	NO	YES	YES	N/A	
Portugal	YES	YES	YES	YES	NO	N/A
Rep. of Korea	NO	NO	NO	YES	YES	NO
Rep. of Moldova	YES	YES	YES	YES	NO	YES
Romania	YES	YES	YES	NO	NO	NO

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	I. Industrial designs	J. Copyrights	K. Personal names	L. Collective, guarantee or certification marks	M. Unregistered trademarks	N. Others
Russian Federation	YES	YES	NO	YES	NO	
Saint Lucia	NO	NO	NO	YES	NO	NO
St. Vincent & the Grenadines	NO	NO	NO	YES	NO	N/A
Singapore	NO	NO	NO	YES	NO	NO
Slovakia	YES	YES	YES	NO	YES	N/A
Slovenia				NO	YES	NO
Spain						
Sri Lanka	YES	YES	YES			
Sudan	N/A	N/A	YES	YES	YES	
Swaziland	YES	YES	YES	N/A	N/A	YES
Sweden	YES	YES	YES	N/A	N/A	
Switzerland				YES	YES	
Syrian Arab Rep.	YES	YES	YES			
Thailand	NO	NO	NO	NO	NO	NO
Trinidad & Tobago	NO	NO	YES	YES	NO	
Tunisia	NO	NO	NO	YES	NO	NO
Turkey	YES	YES	YES	N/A	N/A	NO
Ukraine	YES	YES	YES	YES	YES	N/A
United Kingdom	NO	NO	NO			
USA	YES	YES	YES	YES	NO	NO
Uruguay	NO	YES	YES	YES	YES	YES
Zambia	N/A	N/A	N/A	YES	NO	YES
AIPO	YES	YES	NO	NO	NO	N/A
BBM				YES	NO	
EC	YES	YES	NO			

N. If YES, please list them:

Among others were mentioned composition marks, tradenames, design patents and the names and representations of historical monuments. In one reply the following was listed: designations or initials of public entities or agencies, where registration was not required by the public entity or agency; names, prizes or symbols of official or officially recognized sporting, artistic, cultural, social, political, economic or technical events or imitations likely to cause confusion, except when authorized by the competent authority or entity promoting the event; reproductions or imitations of titles, bonds, coins or bank notes of the Union, States, Federal District, Territories, Municipalities or any country; signs that imitated or reproduced, in the whole or part, a mark which the applicant could not fail to have knowledge of in view of his activities and of which the owner was established or domiciled on the national territory, if the mark was intended to distinguish a product or service that was identical, similar or related, and likely to cause confusion or association with the mark of such other person; the name and signs of sport entities, and the name or nickname of athletes.

Another reply indicated the following as relative grounds for refusal: trademarks containing the portrait of another person or the name, famous pseudonym, professional name or pen name of another person or the famous abbreviation thereof (except where the consent of the person concerned had been obtained); trademarks which were identical with another person's registered defensive mark, and which were used on the designated goods or designated services covered by the defensive mark registration; or trademarks which were identical with another person's trademark where one year had not elapsed since the date of extinguishment of the trademark right, or with a trademark similar to such a trademark, and which were used in respect of the designated goods or designated services covered by the trademark right or in respect of similar goods or services.

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	O. Date of registration		
	(i) Filing date of application	(ii) Date of issuance of certificate of registration	(iii) Other
Algeria	YES	NO	
Armenia	NO	NO	YES
Australia	YES	NO	
Austria	YES	N/A	
Bangladesh	YES	YES	
Belarus	NO	NO	YES
Brazil			
Bulgaria	NO	NO	YES
China	YES	NO	
Colombia	NO	YES	
Costa Rica	YES	YES	
Croatia	YES	NO	
Czech Rep.	NO	YES	
Denmark	NO	NO	YES
Dominica			
Ecuador	YES	YES	
El Salvador	NO	YES	
Estonia	YES	NO	
Finland	NO	YES	
France	NO	NO	YES
Georgia	NO	NO	YES
Germany			
Hungary	NO	NO	
Iran (Islamic Rep. of)	YES		
Ireland	YES	NO	
Italy			
Jamaica	YES	NO	N/A
Japan	NO	NO	YES
Kyrgyzstan	NO	NO	YES
Lithuania	NO	NO	YES
Madagascar	NO	NO	YES
Malta	YES	NO	
Mauritius	YES	NO	
Mexico	YES	NO	
Monaco	NO	NO	
Morocco	YES	NO	
New Zealand	YES	NO	YES
Norway	NO	NO	YES
Oman	NO	NO	
Pakistan			
Panama	YES		

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	O. Date of registration		
	(i) Filing date of application	(ii) Date of issuance of certificate of registration	(iii) Other
Philippines	YES	YES	
Portugal	NO	YES	YES
Rep. of Moldova	YES	NO	
Rep. of Korea	NO	YES	
Romania	YES	NO	
Russian Federation	YES	NO	
Saint Lucia		YES	
St. Vincent & the Grenadines	YES	NO	
Singapore	YES	NO	
Slovakia	YES	NO	
Slovenia	NO	YES	
Spain			
Sri Lanka	YES		
Sudan	YES	NO	
Swaziland	NO	YES	YES
Sweden	YES	NO	
Switzerland			
Syrian Arab Rep.	YES	NO	
Thailand	YES	NO	
Trinidad & Tobago	YES	NO	
Tunisia			
Turkey	YES	NO	
Ukraine	YES		
United Kingdom	YES	NO	
USA	YES	YES	YES
Uruguay	YES	NO	YES
Zambia	YES	NO	
AIPO		YES	
BBM			
EC	NO	NO	YES

O(iii) Other:

Some replies stated that the date of registration was the date of entry in the registry. The date of registration according to some other replies was the date on which the office announced the decision of registration.

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	P. Proof of acquired distinctiveness		Q. Grounds for refusal based on irregularities in classification	
	(i) Are certain marks registrable only with proof of acquired distinctiveness?	(ii) In the case of composite trademarks with non-distinctive words or elements, may the applicant be asked to disclaim such words or elements of his trademark?	(i) Can the application be refused if a term in the list of goods and service is too vague?	(ii) Does the IP office reclassify the list of goods and services?
Algeria	NO	YES	NO	YES
Armenia	NO	YES	NO	
Australia	YES	NO	YES	YES
Austria	YES	N/A	YES	YES
Bangladesh	YES	YES		
Belarus	NO	YES	NO	YES
Brazil	NO	NO	NO	YES
Bulgaria	YES	YES	NO	YES
China	YES	NO	YES	YES
Colombia	YES	NO	NO	NO
Costa Rica	N/A	NO	NO	NO
Croatia	YES	NO	YES	YES
Czech Rep.	YES	NO	YES	YES
Denmark	YES	YES		
Dominica				
Ecuador	YES	YES	YES	NO
El Salvador	NO	NO	NO	YES
Estonia	YES	YES	NO	YES
Finland	YES	YES	YES	
France	NO	NO	YES	YES
Georgia	N/A	YES	NO	YES
Germany				
Hungary	YES	NO	YES	YES
Iran (Islamic Rep. of)	NO	YES	YES	YES
Ireland	YES		YES	YES
Italy				
Jamaica	YES	NO	YES	YES
Japan	YES	NO	YES	YES
Kyrgyzstan	N/A	YES	NO	YES
Lithuania	YES	YES	NO	YES
Madagascar	NO	NO	NO	YES
Malta	YES	YES	NO	YES
Mauritius	NO	YES		YES
Mexico	NO	NO	NO	NO
Monaco	NO	YES	YES	YES
Morocco	NO	NO	NO	YES
New Zealand	YES	NO	YES	YES
Norway	NO	YES		

IV. EXAMINATION PROCEDURE
3. Relative grounds for refusal (prior rights)
If the application is examined ex officio to determine whether the trademark application is in conflict with prior rights what are, according to the applicable legislation considered as prior rights

Responding Countries/ Regional IP Offices	P. Proof of acquired distinctiveness		Q. Grounds for refusal based on irregularities in classification	
	(i) Are certain marks registrable only with proof of acquired distinctiveness?	(ii) In the case of composite trademarks with non-distinctive words or elements, may the applicant be asked to disclaim such words or elements of his trademark?	(i) Can the application be refused if a term in the list of goods and service is too vague?	(ii) Does the IP office reclassify the list of goods and services?
Oman	YES	YES	YES	YES
Pakistan		YES	YES	
Panama	NO	YES	NO	NO
Philippines	YES	YES	NO	YES
Portugal	YES	NO	YES	YES
Rep. of Korea	YES	NO	YES	YES
Rep. of Moldova	YES	YES	NO	NO
Romania	NO	YES	YES	YES
Russian Federation	YES	YES	NO	YES
Saint Lucia	YES	YES	NO	YES
St. Vincent & the Grenadines	YES	YES	NO	YES
Singapore	YES	NO		
Slovakia	YES	NO	YES	NO
Slovenia	N/A	NO	NO	YES
Spain			YES	YES
Sri Lanka	YES	YES	YES	YES
Sudan	N/A	YES	YES	YES
Swaziland	YES	YES	NO	YES
Sweden	YES	YES		
Switzerland			YES	YES
Syrian Arab Rep.	YES	NO	NO	YES
Thailand	YES	YES	YES	N/A
Trinidad & Tobago	YES	YES	YES	YES
Tunisia	NO	NO	NO	NO
Turkey	NO	NO	NO	NO
Ukraine	YES	NO	YES	YES
United Kingdom	NO	NO	YES	YES
USA	YES	YES	YES	YES
Uruguay	YES	NO	NO	NO
Zambia	YES	YES	YES	NO
AIPO	NO	NO		
BBM				
EC	YES	YES	YES	YES

P.(i) If YES, please list them:

Most replies were very general stating that marks consisting wholly of a sign ordinarily used to indicate the kind, quality, quantity, intended purpose, value, geographical origin, or other characteristic of goods or services, or the time of production of goods or rendering of services, would be registered only with proof of acquired distinctiveness. However, in one reply it was indicated that marks consisting of a single color and marks consisting only of numbers were registrable only with prove of acquired distinctiveness.

P.(i) If YES, what are the criteria to prove the acquired distinctiveness:

Many replies emphasized that the public should recognize the sign as a mark of an enterprise but there were many ways to prove the acquired distinctiveness, such as results of opinion surveys. According to some replies evidence must show that the mark distinguished the goods or services at the date of application for registration. In one reply were mentioned exclusive and continuous use for five years and ownership of registration of the same mark for related goods/services and/or evidence showing a distinctiveness perception by the public.

V. OPPOSITION PROCEEDINGS
1. Opposition systems
A. Does the applicable registration system allow for *ex parte* opposition?
(If NO, please skip to VI)

Responding Countries/Regional IP Offices	A. Does the applicable registration system allow for *ex parte* opposition?	A(i) Before the Registry/IP Office?	A(ii) Before a judicial body?	A(iii) Other
Algeria	NO	NO	NO	NO
Armenia				
Australia	YES	YES	NO	YES
Austria	NO	N/A	N/A	N/A
Bangladesh	YES	YES	NO	N/A
Belarus	NO			
Brazil	YES	NO	NO	NO
Bulgaria	NO			
China	NO	YES	NO	
Colombia	YES	YES	NO	NO
Costa Rica	YES	YES	NO	NO
Croatia	YES	YES	NO	NO
Czech Rep.	YES	YES	NO	NO
Denmark	YES	N/A	N/A	
Dominica				
Ecuador	YES	YES	NO	NO
El Salvador	YES	YES	NO	NO
Estonia	YES	NO	YES	NO
Finland	YES	YES	NO	
France	YES	YES	NO	NO
Georgia	YES	YES	YES	NO
Germany	YES	YES		
Hungary	NO	YES	NO	NO
Iran (Islamic Rep. of)	YES	YES	YES	YES
Ireland	NO			
Italy	YES			YES
Jamaica	YES	YES	N/A	NO
Japan	YES	YES	NO	NO
Kyrgyzstan	YES	NO		YES
Lithuania	YES	YES	NO	N/A
Madagascar	NO			
Malta	NO			
Mauritius	YES	YES	NO	N/A
Mexico	NO			
Monaco	NO			
Morocco	NO			
New Zealand	YES	YES	NO	NO
Norway	YES	YES	NO	NO
Oman				
Pakistan	NO			
Panama	YES	NO	YES	N/A
Philippines	NO			
Portugal	YES	YES	NO	NO
Rep. of Korea	YES	YES	NO	NO
Rep. of Moldova	YES	YES	YES	NO
Romania	YES	YES	NO	NO
Russian Federation	YES	NO	NO	YES

V. OPPOSITION PROCEEDINGS 1. Opposition systems A. Does the applicable registration system allow for *ex parte* opposition? (If NO, please skip to VI)				
Responding Countries/Regional IP Offices	A. Does the applicable registration system allow for *ex parte* opposition?	A(i) Before the Registry/IP Office?	A(ii) Before a judicial body?	A(iii) Other
Saint Lucia	YES	YES	NO	N/A
Saint Vincent & the Grenadines	YES	YES	NO	NO
Singapore	YES			
Slovakia	YES	YES	NO	NO
Slovenia	YES	YES		
Spain	YES	YE		
Sri Lanka	YES	YES	N./A	N/A
Sudan				
Swaziland	YES	YES		
Sweden	YES	YES	YES	N/A
Switzerland	YES	YES	NO	NO
Thailand				
Syrian Arab Rep.				
Thailand	YES	YES	NO	NO
Trinidad & Tobago	YES	YES	NO	NO
Tunisia				
Turkey	YES	YES	NO	NO
Ukraine	YES	YES		
United Kingdom	YES	YES	NO	NO
USA	YES	YES	YES	YES
Uruguay	YES	YES		
Zambia	YES	YES	YES	
AIPO				
BBM	YES	YES		
EC	YES	YES	NO	NO

A. If YES, are opposition proceedings available?

It was pointed out that the expression *ex parte* opposition appeared to be contradictory.

A.(iii) If YES, please explain:

The replies generally indicated certain administrative appeal bodies.

V. OPPOSITION PROCEEDINGS
1. Opposition systems
A.(iv) Pre-registration (opposition to an application)

Responding Countries/Regional IP Offices	A.(iv)(a) Before any examination	A.(iv)(b) During examination	A.(iv)(c) After the examination of formal requirements
Algeria	NO	NO	NO
Armenia			
Australia	NO	NO	YES
Austria	N/A	N/A	N/A
Bangladesh	NO	NO	NO
Belarus			
Brazil	NO	NO	YES
Bulgaria			
China	NO	NO	NO
Colombia	NO	NO	YES
Costa Rica	NO	NO	YES
Croatia	NO	NO	YES
Czech Rep.	NO	NO	NO
Denmark			N/A
Dominica			
Ecuador	NO	NO	YES
El Salvador	NO	NO	YES
Estonia	NO	NO	NO
Finland	N/A	N/A	N/A
France		YES	
Georgia	NO	NO	NO
Germany	NO	NO	NO
Hungary	NO	YES	YES
Iran (Islamic Rep. of)	NO	NO	YES
Ireland			
Italy			YES
Jamaica	NO	YES	YES
Japan	NO	NO	NO
Kyrgyzstan	NO	NO	NO
Lithuania	NO	NO	NO
Madagascar			
Malta			
Mauritius	NO	NO	NO
Mexico			
Monaco			
Morocco			
New Zealand	NO	NO	NO
Norway	N/A	N/A	N/A
Oman			
Pakistan			
Panama	NO	NO	YES
Philippines			
Portugal	YES	NO	YES
Rep. of Korea	NO	NO	YES
Rep. of Moldova	NO	NO	NO
Romania	NO	NO	NO
Russian Federation	NO	NO	YES
Saint Lucia	NO	NO	YES

V. OPPOSITION PROCEEDINGS 1. Opposition systems A.(iv) Pre-registration (opposition to an application)			
Responding Countries/Regional IP Offices	A.(iv)(a) Before any examination	A.(iv)(b) During examination	A.(iv)(c) After the examination of formal requirements
St. Vincent & the Grenadines	NO	NO	NO
Singapore	NO	NO	NO
Slovakia	NO	NO	NO
Slovenia			
Spain			
Sri Lanka	NO	NO	NO
Sudan			
Swaziland	NO	NO	YES
Sweden			
Switzerland	NO	NO	NO
Thailand	NO	NO	YES
Syrian Arab Rep.			
Thailand	NO	NO	YES
Trinidad & Tobago	NO	NO	NO
Tunisia			
Turkey	NO	NO	NO
Ukraine		YES	
United Kingdom	NO	NO	NO
USA	YES	YES	NO
Uruguay	YES		
Zambia	NO	NO	NO
AIPO	NO	NO	
BBM			YES
EC	NO	NO	NO

V. OPPOSITION PROCEEDINGS 1. Opposition systems A.(iv) Pre-registration (opposition to an application)			
Responding Countries/Regional IP Offices	A.(iv)(d) After examination of absolute grounds for refusal	A.(iv)(e) After examination of relative grounds of refusal	A.(v) Post-registration (opposition to a registration)
Algeria	NO	NO	
Armenia			
Australia	YES	YES	NO
Austria	N/A	N/A	N/A
Bangladesh		NO	YES
Belarus			
Brazil	NO	NO	NO
Bulgaria			
China	YES	YES	NO
Colombia	NO	NO	NO
Costa Rica	YES	YES	NO
Croatia	YES	NO	NO
Czech Rep.	YES	YES	NO
Denmark	N/A	N/A	YES
Dominica			
Ecuador	NO	NO	NO
El Salvador	YES	YES	NO
Estonia	NO	YES	NO
Finland	N/A	N/A	YES
France			NO
Georgia	YES	YES	YES
Germany	NO	N/A	YES
Hungary	YES	NO	NO
Iran (Islamic Rep. of)	YES	YES	
Ireland			
Italy	YES		YES
Jamaica	YES	YES	YES
Japan	NO	NO	YES
Kyrgyzstan	YES	YES	YES
Lithuania	NO	NO	YES
Madagascar			
Malta			
Mauritius	NO	NO	NO
Mexico			
Monaco			
Morocco			
New Zealand	NO	NO	NO
Norway	N/A	N/A	YES
Oman	YES	NO	NO
Pakistan			
Panama	YES	YES	NO
Philippines			
Portugal	NO	NO	NO
Rep. of Korea	YES	YES	NO
Rep. of Moldova	YES	YES	YES
Romania	NO	NO	YES
Russian Federation	YES	YES	YES
Saint Lucia	YES	YES	NO

V. OPPOSITION PROCEEDINGS 1. Opposition systems A.(iv) Pre-registration (opposition to an application)			
Responding Countries/Regional IP Offices	A.(iv)(d) After examination of absolute grounds for refusal	A.(iv)(e) After examination of relative grounds of refusal	A.(v) Post-registration (opposition to a registration)
St. Vincent & the Grenadines	YES	YES	NO
Singapore	NO	NO	NO
Slovakia	NO	NO	NO
Slovenia	YES		
Spain			
Sri Lanka	YES	YES	NO
Sudan	NO	NO	
Swaziland	YES	YES	
Sweden	N/A	N/A	YES
Switzerland	NO	NO	YES
Syrian Arab Rep.			
Thailand	YES	YES	NO
Trinidad & Tobago	YES	NO	NO
Tunisia	NO	NO	NO
Turkey	YES	NO	NO
Ukraine			NO
United Kingdom	YES	YES	YES
USA	YES	YES	NO
Uruguay			
Zambia	NO	NO	YES
AIPO	NO	NO	
BBM	YES	N/A	N/A
EC	YES	NO	NO

V. OPPOSITION PROCEEDINGS 2. Opposition period A. What is the length of the opposition period?				
Responding Countries/Regional IP Offices	(i) 2 months	(ii) 3 months	(iii) More than 3 months	(iv) Are extensions available?
Algeria				
Armenia				
Australia	NO	YRS	NO	YES
Austria	N/A	N/A	N/A	N/A
Bangladesh	NO	NO	4 months	YES
Belarus				
Brazil	YES	NO	NO	YES
Bulgaria				
China	NO	YES	NO	YES
Colombia	N/A	N/A	N/A (30 days)	YES
Costa Rica	YES	NO	NO	NO
Croatia	NO	YES	NO	NO
Czech Rep.	NO	YES	NO	NO
Denmark	YES	NO	NO	N/A
Dominica				
Ecuador	YES	NO	NO	YES
El Salvador	YES	NO	NO	YES
Estonia	YES	NO	NO	NO
Finland	YES			NO
France	YES	NO	NO	NO
Georgia	NO	YES	6 months	NO
Germany		YES		NO
Hungary	NO	YES	NO	NO
Iran (Islamic Rep. of)			YES	
Ireland		YES		NO
Italy		YES		NO
Jamaica	YES	N/A	N/A	YES
Japan	YES	NO	NO	NO
Kyrgyzstan	NO	YES	YES	YES
Lithuania	NO	YES		NO
Madagascar				
Malta				
Mauritius	NO	YES	NO	YES
Mexico				
Monaco				
Morocco				
New Zealand		YES		YES
Norway	YES	NO	NO	NO
Oman				NO
Pakistan	YES	NO	NO	YES
Panama	YES	NO	NO	NO
Philippines				
Portugal	YES	NO	NO	YES
Rep. of Korea	NO	NO	NO (30 days)	NO
Rep. of Moldova	NO	YES	NO	YES
Romania	NO	YES	NO	NO
Russian Federation	NO	YES	NO	YES
Saint Lucia		YES		YES

V. OPPOSITION PROCEEDINGS 2. Opposition period A. What is the length of the opposition period?				
Responding Countries/Regional IP Offices	(i) 2 months	(ii) 3 months	(iii) More than 3 months	(iv) Are extensions available?
St. Vincent & the Grenadines		YES		YES
Singapore	YES	NO	NO	YES
Slovakia	NO	YES	NO	NO
Slovenia		YES		NO
Spain	YES			NO
Sri Lanka		YES		YES
Sudan	NO	NO	YES	NO
Swaziland		YES		YES
Sweden	YES			YES
Switzerland	NO	YES	NO	NO
Syrian Arab Rep.				
Thailand		YES		NO
Trinidad & Tobago		YES		YES
Tunisia	YES	NO	NO	NO
Turkey	NO	YES	NO	NO
Ukraine	NO	NO	YES	NO
United Kingdom	NO	YES	NO	NO
USA	NO	NO	NO	YES
Uruguay				NO
Zambia	YES			YES
AIPO			6 months	
BBM	YES			NO
EC	NO	YES	NO	NO

A.(iii) If YES, please specify:

See the table.

A.(iv) Please explain under what conditions:

Most of the respondents indicated that an extension to the opposition period could be requested upon show of proof of good cause or legitimate reason(s).

V. OPPOSITION PROCEEDINGS
3. Publication
A. Where is the application/registration published for opposition

Responding Countries/Regional IP Offices	(i) In a gazette	(ii) On the IP Office website	(iii) Both (i) and (ii)	(iv) Other
Algeria	N/A	N/A	N/A	N/A
Armenia				
Australia	YES	YES	YES	NO
Austria	YES	NO	N/A	NO
Bangladesh	YES	NO	NO	NO
Belarus				
Brazil	YES	YES	YES	YES
Bulgaria				
China	NO	YES	N/A	
Colombia	YES	N/A	N/A	N/A
Costa Rica	NO	NO	NO	YES
Croatia	YES	NO	NO	NO
Czech Rep.	YES	YES	YES	NO
Denmark	YES	YES	YES	NO
Dominica				
Ecuador	YES	NO	NO	NO
El Salvador	NO	NO	NO	YES
Estonia	N/A	N/A	YES	NO
Finland	YES			NO
France	YES	NO	NO	
Georgia	YES	YES	YES	NO
Germany	YES	YES		
Hungary	YES	NO	NO	NO
Iran (Islamic Rep. of)	YES			
Ireland	YES	YES		
Italy			YES	
Jamaica	YES	N/A	N/A	N/A
Japan	YES	YES	YES	NO
Kyrgyzstan	NO	NO	NO	NO
Lithuania	YES	NO	NO	NO
Madagascar				
Malta				
Mauritius	YES	NO	NO	NO
Mexico				
Monaco				
Morocco				
New Zealand			YES	
Norway	YES	YES	YES	NO
Oman	YES	NO	NO	YES
Pakistan	YES	NO	NO	NO
Panama	YES		YES	NO
Philippines				
Portugal	YES	NO	NO	NO
Rep. of Korea	NO	YES	NO	NO
Rep. of Moldova	YES	NO	N/A	N/A
Romania	YES	NO		
Russian Federation	YES	NO	NO	NO
Saint Lucia	YES	NO		

V. OPPOSITION PROCEEDINGS 3. Publication A. Where is the application/registration published for opposition				
Responding Countries/Regional IP Offices	(i) In a gazette	(ii) On the IP Office website	(iii) Both (i) and (ii)	(iv) Other
St. Vincent & the Grenadines	YES			YES
Singapore	NO	NO	NO	YES
Slovakia	YES	NO	NO	NO
Slovenia	YES			
Spain	YES			
Sri Lanka	YES			
Sudan	YES	NO	NO	YES
Swaziland	YES			
Sweden	YES	YES	YES	N/A
Switzerland	YES	NO	NO	YES
Syrian Arab Rep.				
Thailand	YES	NO	NO	NO
Trinidad & Tobago	NO	NO	NO	YES
Tunisia	NO	NO	NO	YES
Turkey	YES	NO	NO	NO
Ukraine				
United Kingdom	YES	YES	YES	NO
USA	YES	YES	YES	NO
Uruguay	YES			
Zambia	YES			
AIPO	YES			
BBM	YES	YES	YES	
EC	YES	YES	NO	YES

A.(iv) If YES, please explain:

This question was not responded to.

V. OPPOSITION PROCEEDINGS 3. Publication		
Responding Countries/Regional IP Offices	B. Please describe what is the frequency of the publication	C. Indicate which publication is "official" (i.e. has legal effect)
Algeria		
Armenia		
Australia	Weekly	Official Journal
Austria	Monthly	Gazette
Bangladesh		Gazette
Belarus		
Brazil	Weekly	Gazette
Bulgaria		
China	Weekly	Official journal
Colombia	Monthly	Gazette
Costa Rica	Twice a week	Gazette
Croatia	Every 2 months	Gazette
Czech Rep.	Once a month	Gazette
Denmark	Weekly	TM Gazette (online version only)
Dominica		
Ecuador	Monthly	IP Gazette
El Salvador	3 times every 15 days	Official journal
Estonia	Monthly	TM Gazette
Finland	Twice a month	TM Gazette
France	Weekly	Official IP Bulletin; WIPO Gazette for International Marks
Georgia	Twice a month	Official IP Bulletin
Germany	Gazette: Weekly TM register: Daily	Gazette
Hungary	Monthly	Official journal
Iran (Islamic Rep. of)		
Ireland	Fortnightly	Journal and online web version
Italy	At least once a month	Bulletin and website if notice has legal effects
Jamaica	Gazette: Weekly TM's are published monthly or every 2 months	Every publication
Japan	Weekly	TM Gazette (CD-ROM)
Kyrgyzstan		
Lithuania	Once a month	Official State Patent Bureau Bulletin
Madagascar		
Malta		
Mauritius	Weekly	Gazette
Mexico		
Monaco		
Morocco		
New Zealand	Monthly	Gazette
Norway	Weekly	TM Gazette
Oman	Once in daily newspaper	Official Gazette
Pakistan		Gazette
Panama	Monthly	IP Bulletin
Philippines		
Portugal	Monthly	Official Journal
Rep. of Korea	Every day on IP website	IP website

V. OPPOSITION PROCEEDINGS 3. Publication		
Responding Countries/Regional IP Offices	B. Please describe what is the frequency of the publication	C. Indicate which publication is "official" (i.e. has legal effect)
Rep. of Moldova	Monthly	Official IP Bulletin
Romania	Monthly	Official IP Bulletin
Russian Federation	Twice a month	Official Bulletin
Saint Lucia	Weekly	Gazette
St. Vincent & the Grenadines		Gazette; Official Journal; Electronic Publication
Singapore	Once or twice a week	TM Journal
Slovakia	Monthly	Official Journal of the IP Office
Slovenia	Every 2 months	IP Office Official Journal
Spain	Every 15 days	Official Journal
Sri Lanka	Weekly	Government Gazette
Sudan	Quarterly	Official Gazette
Swaziland	Monthly	Official TM Gazette
Sweden	Once a week	TM law does not specify
Switzerland	Daily in FOSC Monthly in WIPO Gazette	FOSC and WIPO Gazette
Syrian Arab Rep.		
Thailand	4 volumes per month	
Trinidad & Tobago	Every 2 weeks	Daily Newspaper
Tunisia	Up to 12 months	Official INORPI Bulletin
Turkey	Monthly	Official TM Bulletin
Ukraine		
United Kingdom	Weekly	Publication on the internet
USA	Weekly	Official Gazette of USPTO
Uruguay	Monthly	IP Bulletin
Zambia	Monthly	Patent and TM Journal
AIPO	Every 3 months	Official IP Bulletin
BBM	Monthly	Gazette
EC	Weekly	

V. OPPOSITION PROCEEDINGS 3. Publication D. What is the starting date of the opposition period?			
Responding Countries/Regional IP Offices	(i) The date of the publication of the application for registration	(ii) The date of the publication of the registration	(iii) Other
Algeria	N/A	N/A	
Armenia			
Australia	YES	NO	
Austria	N/A	N/A	
Bangladesh	YES	NO	
Belarus			
Brazil	YES	YES	N/A
Bulgaria			
China	YES	NO	
Colombia	YES	N/A	
Costa Rica	YES	NO	
Croatia	YES	NO	
Czech Rep.	YES	NO	
Denmark	NO	N/A	
Dominica			
Ecuador	YES	NO	
El Salvador	YES	NO	
Estonia	YES	NO	
Finland	NO	YES	
France	YES	NO	YES
Georgia	YES	NO	
Germany		YES	
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	YES	YES	
Ireland	YES		
Italy	YES	YES	
Jamaica	YES	NO	YES
Japan	NO	YES	
Kyrgyzstan	NO	NO	YES
Lithuania	NO	YES	
Madagascar			
Malta			
Mauritius	YES	NO	
Mexico			
Monaco			
Morocco			
New Zealand			YES
Norway			
Oman	YES	NO	
Pakistan	YES	NO	YES
Panama	NO	NO	YES
Philippines			
Portugal	YES	NO	NO
Rep. of Korea	YES	NO	
Rep. of Moldova	YES	NO	
Romania	NO	YES	
Russian Federation	NO	YES	
Saint Lucia	YES		

V. OPPOSITION PROCEEDINGS 3. Publication D. What is the starting date of the opposition period?			
Responding Countries/Regional IP Offices	(i) The date of the publication of the application for registration	(ii) The date of the publication of the registration	(iii) Other
St. Vincent & the Grenadines	YES	YES	NO
Singapore			
Slovakia	YES	NO	
Slovenia	YES		
Spain	YES		
Sri Lanka	YES		
Sudan	NO	YES	
Swaziland	YES		
Sweden	NO	NO	
Switzerland	NO	YES	
Syrian Arab Rep.			
Thailand	YES	NO	
Trinidad & Tobago	YES		
Tunisia	YES	NO	
Turkey	YES	NO	
Ukraine			
United Kingdom	YES	NO	
USA	YES	NO	
Uruguay	YES	NO	
Zambia	YES	NO	
AIPO	NO	YES	
BBM	YES		YES
EC	YES	NO	

D.(iii) If YES, please explain:

One reply mentioned application-filing date as the starting date of the opposition period. Another reply stated that for administrative purposes the office considered the date of receipt of the gazette as the starting date of the opposition period since the date between the publication of the gazette and its receipt by the office varied.

V. OPPOSITION PROCEEDINGS
4. Entitlement to file an opposition
A. Who may invoke an opposition?

Responding Countries/Regional IP Offices	(i) Any person	(ii) Anyone showing a legitimate interest	(iii) Any competent authorities (IP Offices, others)	(iv) Other
Algeria				
Armenia				
Australia	YES	N/A	YES	
Austria	N/A	N/A	N/A	
Bangladesh	YES	YES	YES	
Belarus				
Brazil	YES	YES	N/A	N/A
Bulgaria				
China	YES			
Colombia	NO	YES	NO	
Costa Rica	NO	YES	YES	
Croatia	NO	NO	NO	YES
Czech Rep.	NO	YES	N/A	
Denmark	YES	YES	YES	
Dominica				
Ecuador	NO	YES	NO	
El Salvador	NO	YES	NO	
Estonia	NO	YES	NO	
Finland	YES			
France	NO	NO	NO	YES
Georgia	NO	YES	N/A	
Germany				YES
Hungary	NO	NO	NO	
Iran (Islamic Rep. of)	NO	YES	YES	
Ireland	YES			
Italy		YES		
Jamaica	YES	N/A	N/A	N/A
Japan	YES			
Kyrgyzstan	YES			YES
Lithuania	YES	YES	YES	
Madagascar				
Malta				
Mauritius	YES	YES	YES	
Mexico				
Monaco				
Morocco				
New Zealand	YES			
Norway	YES	YES		
Oman	NO	YES	NO	
Pakistan	YES	YES	YES	N/A
Panama	YES			
Philippines				
Portugal	NO	YES	NO	NO
Rep. of Korea	YES	N/A	N/A	
Rep. of Moldova	YES	YES	YES	
Romania	NO	YES		
Russian Federation	YES	YES	NO	NO
Saint Lucia	NO	YES		

V. OPPOSITION PROCEEDINGS 4. Entitlement to file an opposition A. Who may invoke an opposition?				
Responding Countries/Regional IP Offices	(i) Any person	(ii) Anyone showing a legitimate interest	(iii) Any competent authorities (IP Offices, others)	(iv) Other
St. Vincent & the Grenadines	YES	YES	N/A	N/A
Singapore	YES			
Slovakia	NO	YES	NO	
Slovenia				YES
Spain	YES			
Sri Lanka	YES			
Sudan	NO	YES	NO	
Swaziland	YES			
Sweden	YES	N/A	N/A	
Switzerland	NO	NO	NO	
Syrian Arab Rep.				
Thailand	YES	YES	NO	
Trinidad & Tobago	YES	YES	YES	
Tunisia	NO	NO	NO	
Turkey	YES	YES	YES	
Ukraine	YES			
United Kingdom	YES	NO	YES	
USA	NO	NO	YES	YES
Uruguay	YES	N/A	YES	
Zambia	YES	YES	NO	
AIPO	YES	YES	YES	
BBM				
EC	NO	NO	NO	YES

A.(iii):

Almost without exception, the respondents indicated that a competent authority was any interested governmental body or authority.

A.(iv) If YES, please explain:

Some replies indicated that holders of prior rights or any person who believed to be damaged by registration of the proposed mark was entitled to file an opposition.

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	A. Signs which are not capable of distinguishing	B. Signs which do not satisfy other requirement of the definition of a mark	C. Signs devoid of any distinctive character
Algeria	N/A	N/A	N/A
Armenia			
Australia	YES	NO	YES
Austria	N/A	N/A	N/A
Bangladesh			
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	YES	YES
Colombia	YES	YES	YES
Costa Rica	NO	NO	YES
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark			
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	NO	NO	NO
Georgia	YES	YES	YES
Germany	NO	NO	NO
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	NO	NO	YES
Ireland	YES	YES	YES
Italy	NO	NO	NO
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	YES
Lithuania	YES	YES	YES
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco			
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama		YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	YES
Rep. of Moldova	YES	YES	YES
Romania	YES	YES	YES
Russian Federation	YES	YES	YES
Saint Lucia	YES	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	A. Signs which are not capable of distinguishing	B. Signs which do not satisfy other requirement of the definition of a mark	C. Signs devoid of any distinctive character
St. Vincent & the Grenadines	YES	NO	N/A
Singapore			
Slovakia	YES	YES	YES
Slovenia	NO	NO	NO
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	YES	YES
Swaziland	YES	YES	YES
Sweden		YES	
Switzerland	NO	NO	NO
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	NO	NO	NO
Turkey	YES	YES	YES
Ukraine	YES	N/A	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	NO	NO	NO
AIPO			
BBM	NO	NO	NO
EC	NO	NO	NO

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	D. Descriptive signs	E. Signs which have become generic	F. Generic terms
Algeria	N/A	N/A	N/A
Armenia			
Australia	YES	YES	YES
Austria	N/A	N/A	N/A
Bangladesh	YES		YES
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	YES	N/A
Colombia	YES	YES	YES
Costa Rica	YES	YES	YES
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark	YES		YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	NO	NO	NO
Georgia	YES	YES	YES
Germany	NO	NO	NO
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	YES	
Italy	NO	NO	NO
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	N/A
Lithuania	YES	YES	YES
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco			
Morocco			
New Zealand	YES	YES	YES
Norway	YES		YES
Oman	YES	YES	NO
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	YES
Rep. of Moldova	YES	YES	YES
Romania	YES	YES	YES
Russian Federation	YES	YES	YES
Saint Lucia	NO	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	D. Descriptive signs	E. Signs which have become generic	F. Generic terms
St. Vincent & the Grenadines	N/A	N/A	N/A
Singapore			
Slovakia	YES	YES	YES
Slovenia	NO	NO	NO
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	YES	N/A
Swaziland	YES	YES	YES
Sweden	YES		
Switzerland	NO	NO	NO
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	NO	NO	NO
Turkey	YES	YES	YES
Ukraine	YES	YES	YES
United Kingdom	YES	YES	NO
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	NO	NO	NO
AIPO	YES		YES
BBM	NO	NO	NO
EC	NO	NO	NO

F. If YES, describe how the term “generic” is understood:

Most of the respondents described the term “generic” as referring to a sign not having a distinctive quality in respect of products or services to which it related.

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	G. Signs contrary to morality or public order	H. Signs of such a nature as to deceive the public	I. Signs contrary to Article 6*ter*
Algeria	N/A	N/A	N/A
Armenia			
Australia	YES	YES	YES
Austria	N/A	N/A	N/A
Bangladesh			
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	YES	YES
Colombia	YES	YES	YES
Costa Rica	YES	YES	YES
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark			
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	NO	NO	NO
Georgia	YES	YES	YES
Germany	NO	NO	NO
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	YES	YES
Italy	NO	NO	NO
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	YES
Lithuania	YES	YES	YES
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco			
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	YES
Rep. of Moldova	YES	YES	YES
Romania	YES	YES	YES
Russian Federation	YES	YES	YES
Saint Lucia	YES	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	G. Signs contrary to morality or public order	H. Signs of such a nature as to deceive the public	I. Signs contrary to Article 6*ter*
St. Vincent & the Grenadines	YES	YES	YES
Singapore			
Slovakia	YES	YES	YES
Slovenia	NO	NO	NO
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	YES	YES
Swaziland	YES	YES	YES
Sweden	YES	YES	YES
Switzerland	NO	NO	NO
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	NO	NO	NO
Turkey	YES	YES	YES
Ukraine	YES	YES	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	YES	YES	YES
AIPO			YES
BBM	NO	NO	NO
EC	NO	NO	NO

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	J. Signs benefiting protection from other international conventions (Red Cross, Olympic symbols)	K.(i) Signs protected by national laws: royal emblems	K.(ii) Signs protected by national laws: signs of indigenous people and local communities
Algeria	N/A	N/A	N/A
Armenia			
Australia	YES	NO	NO
Austria	N/A	N/A	N/A
Bangladesh			
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	N/A	NO
Colombia	YES	YES	YES
Costa Rica	YES	NO	NO
Croatia	NO	N/A	NO
Czech Rep.	NO	NO	NO
Denmark			
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	N/A	YES
Estonia	YES	NO	YES
Finland	YES		
France	NO	NO	NO
Georgia	YES	YES	YES
Germany	NO	NO	NO
Hungary	NO	NO	YES
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES		
Italy	NO	NO	NO
Jamaica	YES	YES	YES
Japan	YES	YES	N/A
Kyrgyzstan	YES	N/A	N/A
Lithuania	YES	NO	NO
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco			
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	YES	N/A	N/A
Rep. of Moldova	YES	YES	YES
Romania	NO	NO	NO
Russian Federation	YES	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	J. Signs benefiting protection from other international conventions (Red Cross, Olympic symbols)	K.(i) Signs protected by national laws: royal emblems	K.(ii) Signs protected by national laws: signs of indigenous people and local communities
Saint Lucia	NO	YES	NO
St. Vincent & the Grenadines	YES	YES	N/A
Singapore			
Slovakia	YES	YES	YES
Slovenia	NO	NO	NO
Spain	YES	YES	
Sri Lanka	YES	YES	YES
Sudan	YES	YES	YES
Swaziland	YES	YES	YES
Sweden	YES		
Switzerland	NO	NO	NO
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	NO
Tunisia	NO	NO	NO
Turkey	YES	YES	YES
Ukraine	YES	NO	NO
United Kingdom	YES	YES	NO
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	YES	YES	N/A
AIPO			
BBM	NO	NO	NO
EC	NO	NO	NO

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition K. Signs protected by national laws			
Responding Countries/Regional IP Offices	K(iii) Other	L. Well-known/famous marks having a reputation	M. Appellations of origin/protected geographical indications
Algeria	N/A	N/A	N/A
Armenia			
Australia	YES	YES	YES
Austria	N/A	N/A	N/A
Bangladesh			YES
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	YES	N/A
Colombia	NO	YES	YES
Costa Rica	NO	YES	YES
Croatia	NO	YES	YES
Czech Rep.	NO	YES	YES
Denmark			YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland		YES	YES
France	NO	YES	NO
Georgia	YES	YES	YES
Germany	NO	YES	NO
Hungary	NO	YES	NO
Iran (Islamic Rep. of)			
Ireland		YES	YES
Italy	NO	NO	NO
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	NO	YES	YES
Lithuania	YES	YES	YES
Madagascar			
Malta			
Mauritius		YES	YES
Mexico			
Monaco			
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	N/A	YES	YES
Rep. of Moldova	YES	YES	YES
Romania	NO	YES	YES
Russian Federation	YES	YES	YES
Saint Lucia	NO	YES	NO

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition K. Signs protected by national laws			
Responding Countries/Regional IP Offices	K(iii) Other	L. Well-known/famous marks having a reputation	M. Appellations of origin/protected geographical indications
St. Vincent & the Grenadines	YES	NO	YES
Singapore			YES
Slovakia	YES	YES	YES
Slovenia		YES	YES
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	YES	N/A
Swaziland		YES	
Sweden			YES
Switzerland	NO	NO	NO
Syrian Arab Rep.			
Thailand		YES	YES
Trinidad & Tobago	NO	YES	YES
Tunisia	NO	YES	NO
Turkey	YES	YES	YES
Ukraine		YES	YES
United Kingdom	YES	YES	YES
USA	N/A	YES	YES
Uruguay		YES	YES
Zambia	N/A	N/A	N/A
AIPO			YES
BBM	NO	YES	NO
EC	NO	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	N. Business names/business identifiers	O. Names of famous people	P. Foreign words or expressions
Algeria	N/A		
Armenia			
Australia	NO	NO	NO
Austria	N/A	N/A	N/A
Bangladesh			
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	N/A	YES	YES
Colombia	YES	YES	NO
Costa Rica	YES	YES	NO
Croatia	YES	YES	NO
Czech Rep.	YES	YES	NO
Denmark			
Dominica			
Ecuador	YES	YES	NO
El Salvador	YES	YES	NO
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	NO	NO	NO
Georgia	YES	YES	N/A
Germany	NO	NO	NO
Hungary	YES	YES	NO
Iran (Islamic Rep. of)			
Ireland	YES	YES	YES
Italy	YES	YES	NO
Jamaica	YES	YES	YES
Japan	N/A	YES	N/A
Kyrgyzstan	YES	YES	N/A
Lithuania	YES	YES	NO
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco			
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	N/A
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	NO
Rep. of Korea	NO	YES	NO
Rep. of Moldova	YES	YES	YES
Romania	YES	YES	NO
Russian Federation	YES	YES	NO
Saint Lucia	NO	NO	YES
Singapore			

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	N. Business names/business identifiers	O. Names of famous people	P. Foreign words or expressions
Slovakia	YES	YES	YES
Slovenia	N/A	YES	NO
Spain	YES	YES	
Sri Lanka	YES	YES	YES
Sudan	NO	YES	YES
Swaziland			
Sweden	YES	YES	
Switzerland	NO	NO	NO
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	N/A	NO	NO
Tunisia	NO	NO	NO
Turkey	YES	YES	YES
Ukraine	YES	YES	NO
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	NO	YES	NO
AIPO			
BBM	NO	NO	NO
EC	YES	NO	NO

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	Q. An identical mark registered or applied for by another person in respect of identical goods or services	R. An identical mark registered or applied for by another person in respect of similar goods or services	S. A similar mark registered or applied for by another person in respect of identical goods or services
Algeria	N/A	N/A	N/A
Armenia			
Australia	YES	YES	YES
Austria	N/A	N/A	N/A
Bangladesh			
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	YES	YES
Colombia	YES	YES	YES
Costa Rica	YES	NO	YES
Croatia	YES	YES	YES
Czech Rep.	YES	YES	YES
Denmark			
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	YES	YES	YES
Germany	YES	YES	YES
Hungary	YES	YES	YES
Iran (Islamic Rep. of)			
Ireland	YES	YES	YES
Italy	YES	YES	YES
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	YES
Lithuania	YES	YES	YES
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco	YES	YES	YES
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	YES
Rep. of Moldova			
Romania	YES	YES	YES
Russian Federation	YES	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	Q. An identical mark registered or applied for by another person in respect of identical goods or services	R. An identical mark registered or applied for by another person in respect of similar goods or services	S. A similar mark registered or applied for by another person in respect of identical goods or services
Saint Lucia	YES	YES	YES
St. Vincent & the Grenadines	YES	YES	YES
Singapore			
Slovakia	YES	YES	YES
Slovenia	YES	YES	YES
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	YES	YES
Swaziland	NO	NO	NO
Sweden			
Switzerland	YES	YES	YES
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	YES	YES	YES
Turkey	YES	YES	YES
Ukraine	YES	YES	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	YES	YES	YES
AIPO			
BBM	YES	YES	YES
EC	YES	YES	YES

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	T. A similar mark registered or applied for by another person in respect of similar goods or services	U. Industrial designs	V. Copyrights
Algeria	N/A		
Armenia			
Australia	YES	NO	YES
Austria	N/A	N/A	N/A
Bangladesh			
Belarus			
Brazil	YES	YES	YES
Bulgaria			
China	YES	YES	YES
Colombia	YES	YES	YES
Costa Rica	NO	YES	YES
Croatia	YES	YES	YES
Czech Rep.	YES	YES	YES
Denmark			
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	YES	NO	NO
Georgia	YES	YES	N/A
Germany	YES	NO	NO
Hungary	YES	YES	YES
Iran (Islamic Rep. of)		YES	YES
Ireland	YES	YES	YES
Italy	YES	NO	NO
Jamaica	YES	YES	YES
Japan	YES	YES	NO
Kyrgyzstan	YES	YES	YES
Lithuania		YES	YES
Madagascar			
Malta			
Mauritius	YES	YES	YES
Mexico			
Monaco	YES	YES	YES
Morocco			
New Zealand	YES	YES	YES
Norway			
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES
Philippines			
Portugal	YES	YES	YES
Rep. of Korea	YES	NO	NO
Rep. of Moldova			
Romania	YES	YES	YES
Russian Federation	YES	YES	YES
Saint Lucia	YES	NO	NO

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition			
Responding Countries/Regional IP Offices	T. A similar mark registered or applied for by another person in respect of similar goods or services	U. Industrial designs	V. Copyrights
St. Vincent & the Grenadines	YES	NO	NO
Singapore			
Slovakia	YES	YES	YES
Slovenia	YES	YES	YES
Spain	YES	YES	YES
Sri Lanka	YES	YES	YES
Sudan	YES	NO	NO
Swaziland		YES	YES
Sweden			YES
Switzerland	YES	NO	NO
Syrian Arab Rep.			
Thailand	YES	YES	YES
Trinidad & Tobago	YES	NO	NO
Tunisia	YES	NO	NO
Turkey	YES	YES	YES
Ukraine	YES	YES	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	YES	YES	YES
Zambia	NO	NO	YES
AIPO			
BBM	YES	NO	NO
EC	YES	NO	NO

T. Please explain, whether a likelihood of confusion is necessary in cases R to T:

For the great majority of respondents, likelihood of confusion was necessary in all cases.

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition				
Responding Countries/Regional IP Offices	W. Personal names	X. Collective, guarantee or certification marks	Y. Unregistered trademarks	Z. Other
Algeria				
Armenia				
Australia	NO	YES	NO	YES
Austria	N/A	N/A	N/A	N/A
Bangladesh			YES	
Belarus				
Brazil	YES	YES	YES	YES
Bulgaria				
China	NO	YES	YES	
Colombia	YES	YES	NO	YES
Costa Rica	YES	YES	YES	NO
Croatia	YES	YES	NO	YES
Czech Rep.	YES	YES	YES	YES
Denmark			YES	
Dominica				
Ecuador	YES	YES	YES	YES
El Salvador	YES	YES	YES	N/A
Estonia	YES	YES	NO	YES
Finland	YES	YES	YES	
France	NO	YES	YES	NO
Georgia	YES	YES	NO	YES
Germany	NO	NO	NO	YES
Hungary	YES	YES	YES	NO
Iran (Islamic Rep. of)	YES	YES	NO	
Ireland	YES	YES	YES	
Italy	YES	NO	NO	YES
Jamaica	YES	YES	YES	YES
Japan	YES	YES	N/A	N/A
Kyrgyzstan	NO	YES	NO	NO
Lithuania	YES		NO	NO
Madagascar				
Malta				
Mauritius	YES	YES	YES	
Mexico				
Monaco	YES	YES	NO	YES
Morocco				
New Zealand	YES	YES	YES	YES
Norway				
Oman	YES	YES	YES	N/A
Pakistan	YES	YES	YES	N/A
Panama	YES	YES		
Philippines				
Portugal	YES	YES	YES	YES
Rep. of Korea	NO	NO	NO	NO
Rep. of Moldova				
Romania	YES	YES	NO	NO
Russian Federation	YES	YES	NO	NO
Saint Lucia	NO	YES	NO	N/A

V. OPPOSITION PROCEEDINGS 5. Possible grounds for opposition				
Responding Countries/Regional IP Offices	W. Personal names	X. Collective, guarantee or certification marks	Y. Unregistered trademarks	Z. Other
St. Vincent & the Grenadines	NO	YES	NO	YES
Singapore			YES	
Slovakia	YES	YES	YES	NO
Slovenia	YES	YES	YES	
Spain	YES	YES	YES	
Sri Lanka	YES	YES	YES	YES
Sudan	YES	N/A	YES	N/A
Swaziland	N/A	N/A	YES	
Sweden	YES		YES	
Switzerland	NO	YES	YES	NO
Syrian Arab Rep.				
Thailand	YES	YES	YES	
Trinidad & Tobago	NO	YES	NO	NO
Tunisia	NO	YES	NO	NO
Turkey	YES	YES	YES	N/A
Ukraine	NO	YES	YES	N/A
United Kingdom	YES	YES	YES	YES
USA	YES	YES	YES	YES
Uruguay	YES	YES		
Zambia	YES	N/A	NO	N/A
AIPO			YES	
BBM	NO	YES	NO	
EC	NO	YES	YES	YES

Z. If YES, please list them:

The respondents who replied to this sub-question almost invariably indicated a ground that had already been mentioned in an earlier sub-question. More generally, some respondents made references to the grounds stated in the Paris Convention.

V. OPPOSITION PROCEEDINGS 6. Miscellaneous			
Responding Countries/Regional IP Offices	A. In opposition proceedings, what factors are considered in determining likelihood of confusion?	B. Is it possible to reach settlement agreements in opposition proceedings?	C. Is each party held responsible for his/her costs?
Algeria		N/A	N/A
Armenia			
Australia		YES	NO
Austria		N/A	N/A
Bangladesh		YES	YES
Belarus			
Brazil		YES	YES
Bulgaria			
China		YES	NO
Colombia		NO	YES
Costa Rica		YES	YES
Croatia		YES	NO
Czech Rep.		YES	YES
Denmark		YES	YES
Dominica			
Ecuador		YES	YES
El Salvador		YES	N/A
Estonia		YES	YES
Finland		N/A	YES
France		YES	YES
Georgia		YES	YES
Germany		YES	YES
Hungary		YES	NO
Iran (Islamic Rep. of)		YES	YES
Ireland		YES	
Italy		YES	
Jamaica		YES	NO
Japan		YES	YES
Kyrgyzstan		NO	YES
Lithuania		YES	NO
Madagascar			
Malta			
Mauritius		YES	YES
Mexico			
Monaco			
Morocco			
New Zealand		YES	NO
Norway			
Oman		YES	YES
Pakistan		YES	YES
Panama		YES	NO
Philippines			
Portugal		YES	YES
Rep. of Korea		YES	YES
Rep. of Moldova		YES	YES
Romania		YES	YES
Russian Federation		NO	YES
Saint Lucia		YES	NO

V. OPPOSITION PROCEEDINGS 6. Miscellaneous			
Responding Countries/Regional IP Offices	A. In opposition proceedings, what factors are considered in determining likelihood of confusion?	B. Is it possible to reach settlement agreements in opposition proceedings?	C. Is each party held responsible for his/her costs?
St. Vincent & the Grenadines		NO	NO
Singapore		YES	
Slovakia		YES	YES
Slovenia		YES	YES
Spain		YES	N/A
Sri Lanka		YES	NO
Sudan		YES	YES
Swaziland		YES	YES
Sweden		YES	YES
Switzerland		YES	NO
Syrian Arab Rep.		YES	YES
Thailand		NO	YES
Trinidad & Tobago		YES	NO
Tunisia		YES	NO
Turkey		YES	YES
Ukraine		YES	NO
United Kingdom		YES	NO
USA		YES	YES
Uruguay		NO	YES
Zambia		YES	YES
AIPO		YES	YES
BBM		YES	YES
EC		YES	YES

A. Please explain:

Almost all of the respondents indicated that an analysis of the sound, appearance and meaning of the marks as well as the similarity of the goods and services, the use of the goods and services together and the marketing and channels of trade of the goods and services, was made to determine likelihood of confusion. Actual confusion was also considered.

C. If NO, please explain:

The majority of those who responded indicated that the competent authority had the power to award costs. Some respondents added that the losing party could pay a share of or the entire costs.

V. OPPOSITION PROCEEDINGS 6. Miscellaneous		
Responding Countries/Regional IP Offices	D. Does the losing party bear the entire cost of the opposition proceeding?	E. What is the average time it takes to issue a decision after an opposition proceeding is finished?
Algeria	N/A	
Armenia		
Australia	NO	3 months
Austria	N/A	
Bangladesh	YES	2 months
Belarus		
Brazil	NO	4 years
Bulgaria		
China		Within 6 months
Colombia	NO	6 months
Costa Rica	N/A	6 months
Croatia	NO	1 month
Czech Rep.	NO	6 months
Denmark	NO	2 months
Dominica		
Ecuador	NO	6 to 8 months
El Salvador	N/A	2 months
Estonia	NO	5 days
Finland		6 to 8 months
France	NO	6 months at the latest
Georgia	NO	5 to 14 days
Germany	NO	About 12 months
Hungary	YES	
Iran (Islamic Rep. of)	YES	Within 2 years
Ireland	NO	8 weeks
Italy	NO	
Jamaica		
Japan	NO	about 11 months (in 2002)
Kyrgyzstan	NO	4 months
Lithuania	NO	Within 1 month
Madagascar		
Malta		
Mauritius	NO	As soon as possible
Mexico		
Monaco		
Morocco		
New Zealand	NO	32 days
Norway		
Oman	NO	3 to 6 months
Pakistan	NO	
Panama	YES	Immediately
Philippines		
Portugal	NO	12 months
Rep. of Korea	NO	1 year
Rep. of Moldova	NO	Within 3 months
Romania	NO	1 month
Russian Federation	NO	
Saint Lucia	NO	6 months to 1 year

V. OPPOSITION PROCEEDINGS 6. Miscellaneous		
Responding Countries/Regional IP Offices	D. Does the losing party bear the entire cost of the opposition proceeding?	E. What is the average time it takes to issue a decision after an opposition proceeding is finished?
St. Vincent & the Grenadines	NO	
Singapore		3 months maximum
Slovakia	NO	1 year
Slovenia	N/A	18 months
Spain	NO	
Sri Lanka	NO	More than 3 months
Sudan	N/A	1 month
Swaziland	YES	About 9 months
Sweden	NO	18 months
Switzerland	YES	3 to 4 months
Syrian Arab Rep.	YES	
Thailand	NO	6 months
Trinidad & Tobago	YES	About 2 months
Tunisia	NO	6 to 8 months
Turkey	NO	3 months
Ukraine	N/A	
United Kingdom	NO	27 weeks
USA	NO	Approximately 24 weeks
Uruguay	N/A	Depends on the case
Zambia	NO	As soon as the opposition is determined
AIPO	NO	
BBM	YES	
EC	YES	6 months to a year

D. If NOT, please explain how the costs are dealt with:

The majority of those who responded indicated that the competent authority had the power to award costs. Some respondents added that the losing party could pay a share of or the entire costs.

VI. APPEALS
1. Appeal Procedure
A. Is there a procedure for appeals?

Responding Countries/Regional IP Offices	A. Is there a procedure for appeals?	(i) Before the registry/IP Office	(ii) Before an administrative body	(iii) Before a Court
Algeria	YES	NO	NO	YES
Armenia	YES	YES	YES	YES
Australia	YES	NO	NO	YES
Austria	YES	YES	NO	YES
Bangladesh	YES	NO	NO	YES
Belarus	YES	YES	YES	YES
Brazil	YES	YES	NO	NO
Bulgaria	YES	YES	NO	NO
China	YES	NO	NO	YES
Colombia	YES	YES	N/A	N/A
Costa Rica	YES	YES	YES	YES
Croatia	YES	NO	NO	YES
Czech Rep.	YES	YES	NO	NO
Denmark				
Dominica				
Ecuador	YES	YES	YES	YES
El Salvador	YES	NO	YES	NO
Estonia	YES	NO	YES	YES
Finland	YES	NO	YES	
France	YES	NO	NO	YES
Georgia	YES	YES	NO	YES
Germany	YES	YES		YES
Hungary	YES	NO	NO	YES
Iran (Islamic Rep. of)	YES	NO	NO	YES
Ireland	YES	NO	NO	YES
Italy	YES	NO	NO	YES
Jamaica	YES	YES	YES	YES
Japan	YES	YES	NO	NO
Kyrgyzstan	YES	NO	NO	YES
Lithuania	YES	YES		
Madagascar	YES	NO	NO	YES
Malta	YES			NO
Mauritius	YES	NO	YES	YES
Mexico	YES	YES	NO	YES
Monaco	YES	NO	NO	YES
Morocco	YES	NO	NO	YES
New Zealand	YES	NO	NO	YES
Norway	YES	NO	YES	YES
Oman	YES	NO	NO	YES
Pakistan	YES	NO	NO	YES
Panama	YES	YES		
Philippines	YES	YES	YES	YES
Portugal	YES	NO	NO	YES
Rep. of Korea	YES	NO	YES	NO
Rep. of Moldova	YES	YES	YES	YES
Romania	YES	NO	NO	YES
Russian Federation	YES	NO	YES	YES
Saint Lucia				YES

VI. APPEALS
1. Appeal Procedure
A. Is there a procedure for appeals?

Responding Countries/Regional IP Offices	A. Is there a procedure for appeals?	(i) Before the registry/IP Office	(ii) Before an administrative body	(iii) Before a Court
St. Vincent & the Grenadines	YES	NO	NO	YES
Singapore				
Slovakia	YES	YES	NO	NO
Slovenia	NO			
Spain	YES	YES		
Sri Lanka	YES	NO	NO	YES
Sudan	YES	NO	NO	YES
Swaziland	YES			YES
Sweden				
Switzerland	YES	NO	YES	YES
Syrian Arab Rep.	YES	YES	YES	YES
Thailand	YES	NO	YES	YES
Trinidad & Tobago	YES	NO	NO	YES
Tunisia	YES	NO	NO	YES
Turkey	YES	YES	NO	NO
Ukraine	YES		YES	YES
United Kingdom	YES	NO	NO	YES
USA	YES	YES	YES	YES
Uruguay	YES	YES		
Zambia	YES	YES	N/A	YES
AIPO	YES	NO	YES	NO
BBM	YES	NO	NO	YES
EC	YES	YES	NO	NO

VI. APPEALS
2. Appeal Period
A. Within which period of time appeal is possible?

Responding Countries/Regional IP Offices	(i) 2 months after the registration	(ii) 3 months after the registration	(iii) More than 3 months after the registration
Algeria	YES		
Armenia	NO	NO	NO
Australia	N/A	N/A	N/A
Austria	N/A	N/A	N/A
Bangladesh	NO	NO	YES
Belarus			YES
Brazil	NO	NO	NO
Bulgaria	NO	NO	NO
China	NO	NO	NO
Colombia	N/A	N/A	N/A
Costa Rica	NO	NO	NO
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark			
Dominica			
Ecuador	NO	NO	NO
El Salvador	N/A	N/A	N/A
Estonia	NO	NO	NO
Finland			
France	NO	NO	NO
Georgia	NO	NO	NO
Germany			
Hungary	NO	NO	NO
Iran (Islamic Rep. of)			
Ireland	N/A	N/A	N/A
Italy			
Jamaica			
Japan	NO	NO	NO
Kyrgyzstan	NO	NO	YES
Lithuania	NO	NO	NO
Madagascar	NO	NO	NO
Malta			
Mauritius			
Mexico	NO	YES	NO
Monaco	NO	NO	YES
Morocco			YES
New Zealand	N/A	N/A	N/A
Norway	YES	NO	NO
Oman	NO	NO	NO
Pakistan	NO	NO	NO
Panama			
Philippines	NO	NO	NO
Portugal	NO	NO	NO
Rep. of Korea	N/A	N/A	N/A
Rep. of Moldova	NO	YES	YES
Romania			YES
Russian Federation	NO	NO	YES
Saint Lucia			

VI. APPEALS 2. Appeal Period A. Within which period of time appeal is possible?			
Responding Countries/Regional IP Offices	(i) 2 months after the registration	(ii) 3 months after the registration	(iii) More than 3 months after the registration
St. Vincent & the Grenadines	NO	NO	NO
Singapore			
Slovakia	NO	NO	NO (30 days)
Spain			
Sri Lanka			
Sudan	NO	NO	NO
Swaziland			
Sweden			
Switzerland	NO	NO	NO
Syrian Arab Rep.	YES		YES
Thailand	NO	NO	NO
Trinidad & Tobago			
Tunisia	NO	NO	NO
Turkey	NO	NO	NO
Ukraine			
United Kingdom	NO	NO	NO
USA	N/A	N/A	N/A
Uruguay			
Zambia	N/A	N/A	N/A
AIPO	YES		
BBM			
EC			

A.(iii) Please explain:

This question was not responded to.

VI. APPEALS
2. Appeal Period
A. Within which period of time is appeal possible?

Responding Countries/Regional IP Offices	(iv) 2 months after the receipt of the notification of the decision	(v) 3 months after the receipt of the notification of the decision	(vi) More than 3 months after the receipt of the notification of the decision
Algeria			
Armenia	YES	NO	YES
Australia	N/A	N/A	N/A
Austria	YES	N/A	N/A
Bangladesh			
Belarus		YES	
Brazil	NO	NO	NO
Bulgaria	NO	YES	NO
China	NO	NO	NO
Colombia	N/A	N/A	N/A
Costa Rica	NO	NO	NO
Croatia	NO	NO	NO
Czech Rep.	NO	NO	NO
Denmark			
Dominica			
Ecuador	NO	NO	NO
El Salvador	NO	NO	NO
Estonia	NO	NO	NO
Finland	YES		
France	NO	NO	NO
Georgia	NO	YES	YES
Germany			
Hungary	NO	NO	NO
Iran (Islamic Rep. of)			
Ireland	N/A	YES	N/A
Italy			
Jamaica	N/A	YES	N/A
Japan	NO	NO	NO
Kyrgyzstan	NO	NO	YES
Lithuania	NO	YES	NO
Madagascar	NO	NO	NO
Malta			
Mauritius			
Mexico	NO	YES	NO
Monaco	NO	NO	NO
Morocco			
New Zealand	N/A	N/A	N/A
Norway			
Oman	NO	NO	NO
Pakistan	YES	NO	NO
Panama			
Philippines	NO	NO	YES
Portugal	NO	NO	
Rep. of Korea	NO	NO	NO
Rep. of Moldova	NO	YES	NO
Romania		YES	
Russian Federation	NO	NO	NO
Saint Lucia			

VI. APPEALS 2. Appeal Period A. Within which period of time is appeal possible?			
Responding Countries/Regional IP Offices	(iv) 2 months after the receipt of the notification of the decision	(v) 3 months after the receipt of the notification of the decision	(vi) More than 3 months after the receipt of the notification of the decision
St. Vincent & the Grenadines	NO	NO	
Singapore			
Slovakia	NO	NO	NO
Spain			
Sri Lanka			
Sudan	NO	NO	YES (6months)
Swaziland			NO
Sweden			
Switzerland	NO	NO	
Syrian Arab Rep.			NO
Thailand	MO	YES	
Trinidad & Tobago			NO
Tunisia	NO	NO	
Turkey	NO	NO	NO
Ukraine	YES		
United Kingdom	NO	NO	
USA	N/A	N/A	NO
Uruguay			N/A
Zambia	N/A	N/A	
AIPO			N/A
BBM	YES		
EC	YES		

A.(vi) Please explain:

Respondents generally indicated that the appeal period was six months after receipt of notification of decision. However, one reply stated that the appeal period was 20 working days after the day on which the decision was issued.

VI. APPEALS
2. Appeal Period
A. Within which period of time is appeal possible?
3. Entitlement to file an appeal

Responding Countries/Regional IP Offices	A(vii) Other time limit	A(viii) Can this period be extended?	3.A Who is entitled to file an appeal?
Algeria			
Armenia	NO	YES	
Australia	YES	YES	
Austria	N/A	YES	Applicant only
Bangladesh			
Belarus	NO	YES	
Brazil	YES	YES	Holder
Bulgaria	NO	NO	Holder
China	NO	YES	Parties concerned
Colombia	YES	NO	Applicant or opponent
Costa Rica	YES	NO	Holder and opponent
Croatia	YES	NO	Holder, applicant, opponent
Czech Rep.	YES	NO	
Denmark			
Dominica			
Ecuador	NO	NO	Holder, IP Office and opponent
El Salvador	YES	NO	Person aggrieved by the decision
Estonia	NO	NO	Applicant
Finland		NO	Applicant, losing party
France	YES	YES	Anyone who has an interest
Georgia	NO	NO	Applicant, holder, opponent
Germany	YES	NO	Holder or opponent
Hungary	YES	NO	Any party
Iran (Islamic Rep. of)	NO	NO	Holder, interested party
Ireland			No restriction on who may file
Italy	YES	NO	Holder
Jamaica	YES	N/A	Holder or opponent
Japan	YES	YES	Applicant
Kyrgyzstan	NO	NO	Holder, second party, party that files the opposition
Lithuania	NO	YES	Holder
Madagascar	NO		Any authority or person with a legitimate interest
Malta	N/A	NO	Holder, applicant or his/her attorney
Mauritius			
Mexico	NO	NO	Holder
Monaco	N/A	NO	Any person with an interest
Morocco	N/A		Any person with an interest
New Zealand	YES	YES	Any person
Norway			
Oman	YES	NO	The right holder
Pakistan	NO	NO	Aggrieved party of the decision
Panama	NO	NO	Holder, opponent and third party
Philippines	YES	YES	Any party

VI. APPEALS 2. Appeal Period A. Within which period of time is appeal possible? 3. Entitlement to file an appeal			
Responding Countries/Regional IP Offices	A(vii) Other time limit	A(viii) Can this period be extended?	3.A Who is entitled to file an appeal?
Portugal		NO	Holder
Rep. of Korea	YES	NO	Interested person
Rep. of Moldova	NO	YES	Any person
Romania			
Russian Federation	NO	NO	Any person
Saint Lucia	N/A	N/A	Party to the opposition proceedings
St. Vincent & the Grenadines	YES (42 days)	YES	Applicant or opponent
Singapore			
Slovakia	YES (30 days after delivery of the decision)	YES	Anyone showing a legitimate interest
Slovenia	YES (30 days)	NO	Holder, applicant or opponent
Spain	YES (1 month)	NO	Holder, opponent and third party
Sri Lanka			Holder or opponent
Sudan	NO	YES	Any interested party
Swaziland		YES	Any interested party
Sweden			
Switzerland	YES	NO	Applicant parties in an opposition procedure
Syrian Arab Rep.	NO	NO	Any interested person
Thailand	NO	NO	Applicant or opponent
Trinidad & Tobago	NO	YES	Applicant or opponent
Tunisia	YES	NO	Any interested person
Turkey	NO	NO	Any party adversely affected by a decision
Ukraine	YES	NO	
United Kingdom	N/A	N/A	Party to the original decision
USA	N/A	NO	Party who was refused registration and third party who filed a motion
Uruguay		NO	Holder, opponent, a third party with a direct interest
Zambia	NO	YES	Holder, opponent, third party
AIPO			
BBM	NO	NO	
EC	YES	NO	

A.(vii) Please explain:

Of those who responded positively to this question, the majority indicated that an appeal should be filed within one month from the receipt of the notification of the decision. However, a few replies indicated that the time limit to file an appeal was five days following the notification of the decision.

A.(viii) If YES, please explain:

The periods for extension of a time limit to file an appeal varied from 15 days to 18 months. However, most respondents indicated a period, which varied between 15 days and two months.

VII. UNREGISTERED MARKS (COMMON LAW MARKS)
1. Protection

Responding Countries/Regional IP Offices	A. Do unregistered marks give rise to any right under national law?	B. Are unregistered marks protected against infringement?	C. Are unregistered marks protected against dilution?
Algeria	NO	NO	NO
Armenia	NO	NO	NO
Australia	YES	YES	NO
Austria	YES	YES	NO
Bangladesh	NO	NO	NO
Belarus	NO		
Brazil	YES	NO	NO
Bulgaria	NO		
China	YES	NO	N/A
Colombia	NO		
Costa Rica	NO		
Croatia	NO		
Czech Rep.	YES	NO	NO
Denmark	YES	YES	YES
Dominica			
Ecuador	NO		
El Salvador	N/A	N/A	N/A
Estonia	NO		
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	NO		
Germany	YES	YES	YES
Hungary	NO	NO	NO
Iran (Islamic Rep. of)	YES	NO	NO
Ireland	YES	NO	NO
Italy	YES	YES	NO
Jamaica	YES	NO	YES
Japan	N/A	N/A	N/A
Kyrgyzstan	NO		
Lithuania	NO		
Madagascar	NO		
Malta	YES	YES	N/A
Mauritius	YES	YES	YES
Mexico	YES	NO	NO
Monaco	YES	YES	NO
Morocco	NO		
New Zealand	YES	NO	YES
Norway	YES	YES	YES
Oman	YES	YES	YES
Pakistan	YES	NO	N/A
Panama	YES	NO	NO
Philippines	YES	NO	NO
Portugal	YES	YES	NO
Rep. of Korea	N/A	N/A	N/A
Rep. of Moldova	N/A	N/A	N/A
Romania	NO	NO	YES
Russian Federation	NO		
Saint Lucia	NO		

VII. UNREGISTERED MARKS (COMMON LAW MARKS) 1. Protection			
Responding Countries/Regional IP Offices	A. Do unregistered marks give rise to any right under national law?	B. Are unregistered marks protected against infringement?	C. Are unregistered marks protected against dilution?
St. Vincent & the Grenadines	NO		
Singapore	YES	NO	NO
Slovakia	NO		
Slovenia	N/A	N/A	N/A
Spain	YES	YES	NO
Sri Lanka	YES	NO	N/A
Sudan	YES	YES	N/A
Swaziland	YES	NO	N/A
Sweden	YES	YES	YES
Switzerland			
Syrian Arab Rep.	YES	YES	NO
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	NO
Tunisia	NO		
Turkey	NO		
Ukraine	NO		
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay			
Zambia	NO		
AIPO	NO		
BBM	NO		
EC	N/A		

VII. UNREGISTERED MARKS (COMMON LAW MARKS) 1. Protection		
Responding Countries/Regional IP Offices	D. Does owner of a prior unregistered mark have any recourse against a subsequent user?	E. Does the owner of a prior unregistered mark have any recourse against subsequent applicant/registrant?
Algeria		NO
Armenia	NO	NO
Australia	YES	YES
Austria	YES	YES
Bangladesh	YES	YES
Belarus		
Brazil	YES	YES
Bulgaria		
China	YES	YES
Colombia		
Costa Rica		
Croatia		
Czech Rep.	NO	YES
Denmark	YES	YES
Dominica		
Ecuador		
El Salvador	N/A	N/A
Estonia		
Finland	YES	YES
France	YES	YES
Georgia		
Germany	YES	YES
Hungary	NO	NO
Iran (Islamic Rep. of)	YES	YES
Ireland	YES	YES
Italy	YES	YES
Jamaica	YES	YES
Japan	N/A	N/A
Kyrgyzstan		
Lithuania		
Madagascar		
Malta	YES	YES
Mauritius	YES	YES
Mexico	YES	YES
Monaco	YES	YES
Morocco		
New Zealand	YES	YES
Norway	YES	YES
Oman	YES	YES
Pakistan	N/A	YES
Panama	YES	YES
Philippines	YES	YES
Portugal	YES	YES
Rep. of Korea	N/A	N/A
Rep. of Moldova	N/A	N/A
Romania	NO	NO
Russian Federation		
Saint Lucia		

VII. UNREGISTERED MARKS (COMMON LAW MARKS) 1. Protection		
Responding Countries/Regional IP Offices	D. Does owner of a prior unregistered mark have any recourse against a subsequent user?	E. Does the owner of a prior unregistered mark have any recourse against subsequent applicant/registrant?
St. Vincent & the Grenadines		
Singapore	YES	YES
Slovakia		
Slovenia	N/A	N/A
Spain	YES	YES
Sri Lanka	YES	YES
Sudan	N/A	N/A
Swaziland	N/A	N/A
Sweden	YES	YES
Switzerland		
Syrian Arab Rep.	YES	YES
Thailand	YES	YES
Trinidad & Tobago	YES	YES
Tunisia		
Turkey		
Ukraine		
United Kingdom	YES	YES
USA	YES	YES
Uruguay		
Zambia		
AIPO		
BBM		
EC		

VII. UNREGISTERED MARKS (COMMON LAW MARKS)
2. Protected subject matter

Responding Countries/Regional IP Offices	A. Unregistered word marks	B. Unregistered logo and other non-word marks	C. Packaging	D. Trade dress	E. Company names	F. Other
Algeria	NO	NO	NO	NO	NO	
Armenia	NO	NO	NO	NO	NO	N/A
Australia	YES	YES	YES	YES	YES	YES
Austria	YES	YES	YES	YES	YES	NO
Bangladesh	YES	YES	YES	YES	YES	
Belarus						
Brazil	YES	YES	YES	NO	YES	NO
Bulgaria						
China	YES	YES	YES	YES	YES	
Colombia						
Costa Rica						
Croatia						
Czech Rep.	YES	YES	YES	YES	YES	YES
Denmark	YES	YES	YES	YES	YES	YES
Dominica						
Ecuador						
El Salvador	N/A	N/A	N/A	N/A	N/A	N/A
Estonia						
Finland	YES	YES	YES	YES	YES	
France	YES	YES	YES	YES	YES	YES
Georgia						
Germany						YES
Hungary	NO	NO	NO	NO	NO	NO
Iran (Islamic Rep. of)	NO	NO	NO	NO	NO	YES
Ireland	YES	YES	YES	YES	YES	
Italy	YES	YES	YES	YES	YES	NO
Jamaica	YES	YES	YES	YES	YES	YES
Japan	N/A	N/A	N/A	N/A	N/A	YES
Kyrgyzstan						
Lithuania						
Madagascar						
Malta	YES	YES	YES	YES	YES	
Mauritius	YES	YES	YES	YES	YES	YES
Mexico	YES	YES	YES	YES	YES	
Monaco	YES	YES	YES	YES	YES	NO
Morocco						
New Zealand	YES	YES	YES	YES	YES	YES
Norway	YES	YES	YES	YES	YES	N/A
Oman	YES	YES	YES	YES	YES	N/A
Pakistan	YES	YES	YES	YES	YES	N/A
Panama	NO	NO	YES		YES	
Philippines	YES	YES	YES	N/A	NO	N/A
Portugal	YES	YES	YES	YES	YES	YES
Rep. of Korea	N/A	N/A	N/A	N/A	N/A	N/A
Rep. of Moldova	N/A	N/A	N/A	N/A	N/A	N/A
Romania	NO	NO	NO	NO	NO	NO
Russian Federation						
Saint Lucia						

VII. UNREGISTERED MARKS (COMMON LAW MARKS) 2. Protected subject matter						
Responding Countries/Regional IP Offices	A. Unregistered word marks	B. Unregistered logo and other non-word marks	C. Packaging	D. Trade dress	E. Company names	F. Other
St. Vincent & the Grenadines						
Singapore	YES	YES	YES	YES	YES	
Slovakia						
Slovenia	N/A	N/A	N/A	N/A	N/A	N/A
Spain	YES	YES	YES		YES	YES
Sri Lanka	YES	YES	YES	YES	YES	
Sudan						
Swaziland	NO	NO	NO	NO	NO	NO
Sweden	YES	YES	YES	YES	YES	
Switzerland						
Syrian Arab Rep.	N/A	YES	YES	YES	YES	YES
Thailand	YES	YES	YES	YES	NO	NO
Trinidad & Tobago	YES	YES	NO	NO	NO	NO
Tunisia						
Turkey						
Ukraine						
United Kingdom	YES	YES	YES	YES	YES	YES
USA	YES	YES	YES	YES	YES	YES
Uruguay						
Zambia						
AIPO						
BBM						
EC						

F. If YES, please explain:

Almost all of the respondents indicated that their respective legislations granted the same rights to unregistered marks as they did to registered marks.

VII. UNREGISTERED MARKS (COMMON LAW MARKS) 3. Criteria for protection			
Responding Countries/Regional IP Offices	A. Is a level of awareness/prior recognition required?	B. Is distinctiveness required?	C. Other
Algeria	NO	NO	
Armenia	NO	YES	
Austria	YES	YES	
Australia	YES	YES	
Bangladesh	N/A	YES	
Belarus			
Brazil	NO	YES	
Bulgaria			
China	YES	YES	YES
Colombia			
Costa Rica			
Croatia			
Czech Rep.	YES	YES	
Denmark	NO	YES	
Dominica			
Ecuador			
El Salvador	N/A	N/A	
Estonia			
Finland	YES	YES	
France	YES	YES	
Georgia			
Germany			YES
Hungary	NO	NO	
Iran (Islamic Rep. of)	YES	YES	
Ireland			
Italy	YES	YES	
Jamaica	YES	YES	
Japan	YES	YES	YES
Kyrgyzstan			
Lithuania			
Madagascar			
Malta			YES
Mauritius	YES	YES	
Mexico	YES	YES	
Monaco	YES	YES	
Morocco			
New Zealand	YES	YES	YES
Norway	YES	YES	
Oman	N/A	YES	
Pakistan	YES	YES	
Panama	NO	YES	
Philippines	YES	YES	
Portugal	NO	YES	
Rep. of Korea	N/A	N/A	
Rep. of Moldova	N/A	N/A	
Romania			
Russian Federation			
Saint Lucia			

VII. UNREGISTERED MARKS (COMMON LAW MARKS) 3. Criteria for protection			
Responding Countries/Regional IP Offices	A. Is a level of awareness/prior recognition required?	B. Is distinctiveness required?	C. Other
St. Vincent & the Grenadines			
Singapore	YES	YES	
Slovakia			
Slovenia	N/A	N/A	
Spain	YES	YES	
Sri Lanka	YES	YES	YES
Sudan	N/A	N/A	NO
Swaziland	N/A	YES	
Sweden	YES	YES	YES
Switzerland			
Syrian Arab Rep.	NO	YES	
Thailand	NO	NO	
Trinidad & Tobago			N/A
Tunisia			
Turkey			
Ukraine			
United Kingdom	N/A	N/A	YES
USA	NO	YES	YES
Uruguay			
Zambia			
AIPO			
BBM			
EC			

C. If YES, please explain:

Almost all replies stated that the criteria for protection of unregistered marks were determined case by case, taking into account several factors, such as distinctiveness, goodwill, reputation, damage, misrepresentation, etc.

VII. UNREGISTERED MARKS (COMMON LAW MARKS)
4. Infringement standards
5. Penalties
A. What are the penalties/damages provisions for infringement of unregistered marks?

Responding Countries/Regional IP Offices	4.A Is actual confusion required?	4.B Is likelihood of confusion required?	4.C Other	5.A(i) Same as registered marks	5.A(ii) Other
Algeria	NO	NO		NO	
Armenia	YES	YES		N/A	
Australia	NO	YES	YES	YES	YES
Austria	NO	YES		YES	
Bangladesh	YES	YES	YES	YES	YES
Belarus					
Brazil	N/A	N/A		N/A	
Bulgaria					
China		YES		YES	
Colombia					
Costa Rica					
Croatia					
Czech Rep.	NO	YES		N/A	YES
Denmark	NO	YES		YES	
Dominica					
Ecuador					
El Salvador	N/A	N/A		N/A	
Estonia					
Finland	NO	YES		YES	
France	NO	YES		YES	
Georgia					
Germany	NO	YES	YES	YES	
Hungary	NO	NO		NO	
Iran (Islamic Rep. of)	YES	YES		YES	
Ireland	N/A	N/A			YES
Italy	YES	YES		YES	
Jamaica	N/A	N/A			YES
Japan	NO	YES		NO	YES
Kyrgyzstan					
Lithuania					
Madagascar					
Malta			YES	YES	
Mauritius	NO	YES		YES	YES
Mexico	N/A	N/A		N/A	
Monaco	YES	YES		YES	
Morocco					
New Zealand	YES	YES		YES	YES
Norway	NO	YES		YES	
Oman	YES	YES		N/A	
Pakistan	NO	YES		NO	
Panama	YES	YES		NO	
Philippines	N/A	N/A		N/A	
Portugal	NO	YES	YES	NO	YES
Rep. of Korea	N/A	N/A		N/A	
Rep. of Moldova	N/A	N/A		N/A	
Romania					
Russian Federation					

VII. UNREGISTERED MARKS (COMMON LAW MARKS)
4. Infringement standards
5. Penalties
A. What are the penalties/damages provisions for infringement of unregistered marks?

Responding Countries/Regional IP Offices	4.A Is actual confusion required?	4.B Is likelihood of confusion required?	4.C Other	5.A(i) Same as registered marks	5.A(ii) Other
Saint Lucia					
St. Vincent & the Grenadines					
Singapore		YES		YES	
Slovakia					
Slovenia					
Spain	YES	N/A		N/A	
Sri Lanka	YES	YES	YES	NO	YES
Sudan	NO	YES			
Swaziland	YES	YES		YES	
Sweden		YES		YES	
Switzerland					
Syrian Arab Rep.	YES	NO		NO	
Thailand	YES	YES		NO	YES
Trinidad & Tobago	N/A			N/A	
Tunisia					
Turkey					
Ukraine					
United Kingdom	N/A	N/A		NO	YES
USA	NO	N/A	YES	YES	N/A
Uruguay					
Zambia					
AIPO					
BBM					
EC					

4.C. Other, please explain:

The replies indicated that the standard for determining whether an infringement of an unregistered mark had happened was the same as for registered marks, with the only exception that an unregistered mark was not entitled to the same legal presumptions as granted to registered marks, and that the nature and extent of rights of an unregistered mark had to be proven individually.

5.A.(ii) Other, please explain:

Some replies indicated that an infringement of unregistered marks would be considered under the law of "passing off".

VIII. USE OF A MARK
1. General use requirement

Responding Countries/ Regional IP Offices	A. Does the applicable legislation provide for a use requirement?	B. If use is required to maintain a registration what uninterrupted period of non-use is considered?	C. If after the period of non-use under question 2, the holder starts using his/her mark, will the use reinstate his/her rights?	If "yes" to C, are the rights valid against third parties?	D. Must use be substantiated during the registration period?
Algeria	YES	3 years	N/A	N/A	N/A
Armenia	YES	5 years	YES	YES	NO
Australia	YES	3 years	N/A		NO
Austria	YES	5 years	YES	YES	NO
Bangladesh	YES	5 years 1 month			NO
Belarus	YES	5 years	NO		NO
Brazil	YES	5 years	NO	N/A	NO
Bulgaria	YES	5 years	YES	YES	NO
China	YES	3 years	YES	YES	NO
Colombia	YES	3 years	NO	N/A	NO
Costa Rica	NO		NO	NO	NO
Croatia	YES	5 years	YES	YES	NO
Czech Rep.	N/A	5 years	YES	YES	NO
Denmark	YES	5 years			NO
Dominica					
Ecuador	YES	3 years		NO	NO
El Salvador	NO		N/A	N/A	NO
Estonia	YES	5 years	YES	YES	NO
Finland	YES	5 years	YES		NO
France	YES	5 years	YES	YES	NO
Georgia	YES	5 years	YES	YES	YES
Germany	YES		N/A		NO
Hungary	YES	5 years	YES	YES	NO
Iran (Islamic Rep. of)	YES	3 years	YES	YES	
Ireland	YES	5 years	YES	YES	NO
Italy	YES	5 years	YES	YES	YES
Jamaica	YES	3 years	YES	YES	NO
Japan	YES	3 years	N/A		NO
Kyrgyzstan	YES	3 years			N/A
Lithuania	YES	5 years	YES	YES	NO
Madagascar	YES	3 years	N/A		N/A
Malta	YES	5 years	YES	YES	N/A
Mauritius	YES	3 years	N/A		NO
Mexico	YES	3 years	YES	YES	YES
Monaco	NO				NO
Morocco	YES	5 years	NO	N/A	N/A
New Zealand	YES	3 years	YES	YES	NO
Norway	YES	5 years			NO
Oman	YES	5 years	NO		NO
Pakistan	YES	5 years	YES	YES	NO

VIII. USE OF A MARK 1. General use requirement					
Responding Countries/ Regional IP Offices	A. Does the applicable legislation provide for a use requirement?	B. If use is required to maintain a registration what uninterrupted period of non-use is considered?	C. If after the period of non-use under question 2, the holder starts using his/her mark, will the use reinstate his/her rights?	If "yes" to C, are the rights valid against third parties?	D. Must use be substantiated during the registration period?
Panama	YES	5 years	YES		NO
Philippines	YES	3 years	N/A		YES
Portugal	YES	5 years	YES	NO	YES
Rep. of Korea	N/A	N/A	N/A		N/A
Rep. of Moldova	NO	5 years	NO		NO
Romania	YES				YES
Russian Federation	YES	3 years	NO		NO
Saint Lucia	YES	3 years	NO	N/A	YES
St. Vincent & the Grenadines	YES	3 years	YES	YES	NO
Singapore	YES	5 years			NO
Slovakia	YES		NO		NO
Slovenia	NO		YES	YES	N/A
Spain	YES	3 years	YES	YES	NO
Sri Lanka	NO	5 years	N/A		NO
Sudan	YES	5 years	YES	YES	NO
Swaziland	YES	3 years	YES	YES	YES
Sweden	YES	5 years			N/A
Switzerland	YES	5 years	YES	YES	NO
Syrian Arab Rep.	NO	N/A	N/A	N/A	N/A
Thailand	NO		YES	YES	NO
Trinidad & Tobago	YES	5 years	NO		NO
Tunisia	YES	5 years	YES	YES	NO
Turkey	YES	5 years	N/A	N/A	NO
Ukraine	YES		N/A		NO
United Kingdom	YES	5 years	YES	YES	NO
USA	YES				YES
Uruguay	N/A	N/A	N/A	N/A	N/A
Zambia	NO	5 years	NO	N/A	YES
AIPO	YES	5 years			NO
BBM	YES	5 years	YES	YES	NO
EC	YES	5 years	YES	YES	NO

D. If YES, explain how and when:

In most cases, if a registration was challenged on the basis of non-use of the mark, proof of its genuine use must be provided. Some replies specified that the proof of use could be in the form of a declaration to be presented at the time of renewal (or, in one reply specifically, one year from that). In another reply it was stated that for a registration to remain valid, an affidavit of use must be filed and use be substantiated by verifying in the affidavit that the mark was in use in commerce for the goods/services recited in the registration.

VIII. USE OF A MARK
2. What is considered as use

Responding Countries/ Regional IP Offices	A. Does the legislation define what use is required?	B. According to your legislation or case law in your jurisdiction, do the following acts constitute use to maintain a registration:			
		(i). Sole use in commercials or advertising	(ii). Use of a registered mark in a different form, the elements of which do not alter the distinctive character of the mark as registered	(iii). Affixation of a mark to goods or to the packaging thereof in your country solely for export purposes	(iv). Use of a mark by a person other than the holder, if such use is made with the holder's consent
Algeria	NO	N/A	YES	NO	NO
Armenia	NO	YES	YES	YES	YES
Australia	NO	YES	YES	YES	YES
Austria	NO	NO	YES	NO	YES
Bangladesh	YES	YES	NO	N/A	YES
Belarus	YES	NO	YES	NO	YES
Brazil	NO	NO	NO	NO	YES
Bulgaria	YES	NO	YES	YES	YES
China	NO	N/A	YES	YES	YES
Colombia	YES	NO	YES	YES	YES
Costa Rica	NO	N/A	N/A	N/A	YES
Croatia	NO	NO	YES	YES	YES
Czech Rep.	NO	N/A	YES	YES	YES
Denmark	YES	NO	YES	YES	YES
Dominica					
Ecuador	YES	NO	NO	NO	YES
El Salvador	N/A	N/A	N/A	N/A	N/A
Estonia	YES	NO	YES	YES	YES
Finland	NO	YES			YES
France	NO	YES	YES	YES	YES
Georgia	YES	YES	YES	N/A	YES
Germany	NO		YES	YES	YES
Hungary	YES	YES	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	NO	YES	YES
Ireland	YES	YES	YES	YES	YES
Italy	NO	NO	YES	YES	YES
Jamaica	YES	YES	YES	YES	YES
Japan	YES	YES	YES	NO	YES
Kyrgyzstan	YES	YES	YES	NO	YES
Lithuania	YES	NO	YES	YES	YES
Madagascar	NO	N/A	N/A	N/A	YES
Malta	NO	N/A	N/A	N/A	N/A
Mauritius	NO				
Mexico	NO	YES	YES	YES	YES
Monaco	NO	YES	NO	N/A	YES
Morocco	YES	N/A	YES	YES	YES
New Zealand	NO	NO	YES	NO	YES
Norway	NO	YES	YES	YES	YES

VIII. USE OF A MARK
2. What is considered as use

Responding Countries/ Regional IP Offices	A. Does the legislation define what use is required?	B. According to your legislation or case law in your jurisdiction, do the following acts constitute use to maintain a registration:			
		(i). Sole use in commercials or advertising	(ii). Use of a registered mark in a different form, the elements of which do not alter the distinctive character of the mark as registered	(iii). Affixation of a mark to goods or to the packaging thereof in your country solely for export purposes	(iv). Use of a mark by a person other than the holder, if such use is made with the holder's consent
Oman	NO	NO	NO	N/A	YES
Pakistan	YES				YES
Panama	YES		YES	YES	YES
Philippines	NO	YES	YES	YES	YES
Portugal	NO	NO	YES	YES	YES
Rep. of Korea	N/A	N/A	N/A	N/A	N/A
Rep. of Moldova	YES	YES	NO	NO	YES
Romania	NO	YES	NO	YES	YES
Russian Federation	YES	YES	YES	YES	YES
Saint Lucia	YES	N/A	N/A	N/A	YES
St. Vincent & the Grenadines	YES	YES	YES	YES	YES
Singapore	NO	YES	YES	YES	YES
Slovakia	YES	YES		YES	YES
Slovenia	YES	N/A	YES	YES	YES
Spain	YES	NO	YES	YES	YES
Sri Lanka	NO	YES	NO	YES	YES
Sudan	NO	NO	N/A	N/A	YES
Swaziland	YES	NO	N/A	N/A	YES
Sweden	NO	YES	YES	YES	YES
Switzerland	YES	YES	YES	YES	YES
Syrian Arab Rep.	NO	N/A	N/A	N/A	YES
Thailand	NO	YES	YES	YES	YES
Trinidad & Tobago	NO	NO	NO	NO	YES
Tunisia		NO	YES	N/A	YES
Turkey	YES	YES	YES	YES	YES
Ukraine	YES	N/A	YES	N/A	YES
United Kingdom	NO	NO	YES	YES	YES
USA	YES	YES		YES	YES
Uruguay	N/A	N/A	N/A	N/A	N/A
Zambia	YES	YES	NO	YES	YES
AIPO		N/A	N/A	YES	YES
BBM	YES				YES
EC	NO	YES	YES	YES	YES

A. If YES, please give definition:

More than half of the replies pointed out that a mark must be affixed on goods for which it had been registered (in some cases, even second hand goods), for instance, on the packaging thereof, exhibits, sales, signs, business documents, official forms, labels, price lists, advertisements, published works, importing/exporting purposes, etc. Others defined the expression “required use” as the use of a mark in a printed or other visible representation and/or evidences upon which the registrar could rely (i.e., tax payment documentation). A few others added that use must be genuine and serious.

B.(i) If YES, please explain:

The majority of the replies stated that the act of displaying or distributing advertisements, publications, official forms (letterheads) and signboards displaying exhibits in exhibitions and fairs, were considered as use.

B.(ii) If YES, please explain:

All replies indicated that use was valid as long as the registered mark was not substantively altered, meaning that its distinctive elements were not changed (in one reply, however, verbal marks were excluded). In one case specifically, the good faith of this type of use must be proved. In another, the distinctive elements of the mark (in the form in which it was registered) should be identified, likewise the variant.

B.(iii) If YES, please explain:

The vast majority considered this as genuine use of the mark (same as use in national territory) and, in many cases that this type of use could serve as evidence of use and, therefore, guarantee the validity of the registration. One reply, however, stated that this type of use was only valid in its territory if the products containing the mark were exported to specific countries.

VIII. USE OF A MARK 2. What is considered as use			
Responding Countries/ Regional IP Offices	B. According to your legislation or case law in your jurisdiction, do the following acts constitute use to maintain a registration:		
	(v) Use of a mark as a business name/symbol, and not in relation to the goods or services for which the mark is protected	(vi) Use for the purpose of a market test of goods or services	(vii) Must the mark be subject of serious use to maintain the rights?
Algeria	N/A	N/A	YES
Armenia	NO	NO	NO
Australia	NO	NO	YES
Austria	NO	NO	YES
Bangladesh	YES	YES	
Belarus	NO	YES	YES
Brazil	NO	NO	YES
Bulgaria	NO	NO	YES
China	NO	NO	
Colombia	NO	NO	N/A
Costa Rica	YES	NO	NO
Croatia	NO	NO	YES
Czech Rep.	NO	NO	YES
Denmark	NO	NO	
Dominica			
Ecuador	NO	NO	NO
El Salvador	N/A	N/A	N/A
Estonia	NO	NO	YES
Finland			
France	NO		YES
Georgia	YES	N/A	N/A
Germany	NO		YES
Hungary	NO	YES	NO
Iran (Islamic Rep. of)	NO	YES	YES
Ireland	NO	YES	N/A
Italy	NO	NO	YES
Jamaica	NO	YES	YES
Japan	NO	NO	YES
Kyrgyzstan	YES	YES	N/A
Lithuania	NO	NO	
Madagascar	YES	YES	NO
Malta	N/A	N/A	N/A
Mauritius			
Mexico	YES	YES	NO
Monaco	YES	N/A	NO
Morocco	NO	YES	YES
New Zealand	NO	NO	YES
Norway	NO	YES	
Oman	NO	YES	YES
Pakistan	N/A	N/A	NO
Panama	NO	YES	YES
Philippines	NO	YES	YES
Portugal	NO	NO	YES

VIII. USE OF A MARK 2. What is considered as use			
Responding Countries/ Regional IP Offices	B. According to your legislation or case law in your jurisdiction, do the following acts constitute use to maintain a registration:		
	(v) Use of a mark as a business name/symbol, and not in relation to the goods or services for which the mark is protected	(vi) Use for the purpose of a market test of goods or services	(vii) Must the mark be subject of serious use to maintain the rights?
Rep. of Korea	N/A	N/A	N/A
Rep. of Moldova	YES	N/A	NO
Romania	NO	NO	NO
Russian Federation	NO	N/A	N/A
Saint Lucia			
St. Vincent & the Grenadines	NO	YES	YES
Singapore	YES	YES	
Slovakia	YES	YES	YES
Slovenia	N/A	N/A	YES
Spain	NO	NO	YES
Sri Lanka	NO	YES	NO
Sudan	N/A	N/A	YES
Swaziland	NO	N/A	NO
Sweden	NO	NO	
Switzerland	NO	NO	YES
Syrian Arab Rep.	YES	NO	NO
Thailand	NO	YES	NO
Trinidad and Tobago	NO	NO	NO
Tunisia	NO	YES	YES
Turkey	NO	NO	YES
Ukraine	N/A	N/A	YES
United Kingdom	NO	YES	YES
USA	NO	NO	NO
Uruguay	N/A	N/A	N/A
Zambia	NO	YES	NO
AIPO	NO	YES	
BBM	NO		
EC	NO	NO	YES

C. What other types of use fulfil the use requirement, please explain?

The majority of the replies pointed out two other types of use, namely the commercialization of the goods/services containing the mark, and the real and genuine use of the mark in relation to the goods/services (*bona fide* use). One reply specified that the use of a mark purely in a decorative manner was not considered as use in its territory. Other indications of use were: storage for sale purposes and use on the Internet.

VIII. USE OF A MARK
3. Periods of use/non use after registration

Responding Countries/ Regional IP Offices	A. Is the uninterrupted period of non-use computed from the date of registration?	B. Is the uninterrupted period of non-use computed at any time during the registration?	C. Can the period of non-use be reset by subsequent use?	D. By other means?	E. What kind of valid reasons shown by the holder of the mark will excuse non-use?
Algeria	YES	YES	N/A	N/A	N/A
Armenia	YES	YES	YES	NO	YES
Australia	NO		NO	NO	
Austria	NO	YES	YES	NO	YES
Bangladesh	NO	YES	YES	YES	YES
Belarus	YES	YES			
Brazil	YES	YES	NO	NO	YES
Bulgaria	YES	YES	NO	NO	
China	YES	YES	YES		YES
Colombia	YES	NO	NO	NO	YES
Costa Rica	YES	NO	NO	NO	YES
Croatia	YES	NO	YES	NO	
Czech Rep.	NO	YES	YES	YES	YES
Denmark	NO	YES	YES	NO	YES
Dominica					
Ecuador	NO	YES	NO	NO	YES
El Salvador	N/A	N/A	N/A	N/A	N/A
Estonia	YES	YES	NO		
Finland	YES	YES	YES		
France	NO	YES	YES	YES	
Georgia	NO	YES	YES	NO	N/A
Germany	YES				
Hungary	YES	NO	YES	NO	YES
Iran (Islamic Rep. of)	YES	NO	YES	NO	YES
Ireland	NO	YES	YES	NO	YES
Italy	YES	YES	YES	NO	YES
Jamaica	YES	NO	YES	N/A	YES
Japan	NO	YES	YES	NO	
Kyrgyzstan	YES	YES	YES	N/A	YES
Lithuania	NO	YES	YES	NO	YES
Madagascar	YES	NO	NO	NO	YES
Malta	YES	N/A	N/A	N/A	N/A
Mauritius	YES	NO	N/A	N/A	
Mexico	NO	NO	YES	NO	YES
Monaco	NO	NO	NO	NO	N/A
Morocco	NO	NO	NO	NO	
New Zealand	YES	YES	YES	NO	YES
Norway	NO	YES	YES	NO	YES
Oman	YES	YES	N/A	NO	YES
Pakistan	YES	NO	YES	NO	YES
Panama	YES	NO	NO	NO	YES
Philippines	YES	NO	NO	NO	
Portugal	YES	NO	YES	YES	YES
Rep. of Korea	N/A	N/A	N/A	N/A	N/A

VIII. USE OF A MARK 3. Periods of use/non use after registration					
Responding Countries/ Regional IP Offices	A. Is the uninterrupted period of non-use computed from the date of registration?	B. Is the uninterrupted period of non-use computed at any time during the registration?	C. Can the period of non-use be reset by subsequent use?	D. By other means?	E. What kind of valid reasons shown by the holder of the mark will excuse non-use?
Rep. of Moldova	NO	YES	YES	NO	YES
Romania	NO	YES			
Russian Federation	NO	YES	NO	NO	YES
Saint Lucia	NO	NO	NO	YES	
St. Vincent & the Grenadines	NO	YES	YES	NO	
Singapore	YES	NO	NO		N/A
Slovakia	YES	NO	YES	NO	NO
Slovenia	YES	NO	YES	N/A	N/A
Spain	YES		YES	YES	YES
Sri Lanka	NO	YES	YES	N/A	YES
Sudan	YES	NO	N/A	N/A	N/A
Swaziland	YES	N/A	NO	N/A	N/A
Sweden	N/A	YES	YES	N/A	
Switzerland	NO	YES	YES	YES	YES
Syrian Arab Rep.	NO	NO	NO	NO	NO
Thailand	YES	YES	YES		N/A
Trinidad and Tobago	YES	NO	NO	NO	
Tunisia	YES	NO	NO	NO	YES
Turkey	YES	NO	YES	NO	YES
Ukraine	YES	YES	N/A		YES
United Kingdom	YES	YES	YES	NO	
USA	NO	YES	YES	N/A	YES
Uruguay	N/A	N/A	N/A	N/A	N/A
Zambia	YES	NO	NO		YES
AIPO	NO	YES	YES	N/A	
BBM	YES	YES	YES		
EC	YES	N/A	YES	NO	YES

D. If YES, please explain:

Most replies stated that the use/non-use period started either from the filing date of an application for registration or from the expiry date of an opposition procedure.

E. If YES, please explain:

For most respondents, non-use might be excused in case of unforeseen circumstances, *force majeure*, which prevented the holder from using his mark, i.e., import/export restrictions, natural disasters, etc. In one reply, court must accept the excuses given by the party concerned in order to be considered as valid.

VIII. USE OF A MARK 3. Periods of use/non use after registration; 4. Miscellaneous				
Responding Countries/ Regional IP Offices	F. Does your legislation provide for a "grace" period between the end of the uninterrupted period of non-use and the introduction of an action for cancellation/ revocation of a mark for non-use?	G. In such a case, does your legislation provide for a specific period during which commencement or resumption of use is not taken into account when the holder of the mark was aware, or could not have been unaware, that an action for cancellation/ revocation may be introduced?	H. Are there sanctions for unjustified non-use of a registered mark?	4(A). Does your law provide for specific requirements regarding the use of trademarks in particular sectors such as the health and the environment?
Algeria	NO	NO	NO	NO
Armenia	NO	NO	NO	YES
Austria	YES	N/A	YES	NO
Australia	YES	YES	YES	NO
Bangladesh	NO	N/A	YES	
Belarus			YES	NO
Brazil	NO	NO	YES	NO
Bulgaria	YES	YES	YES	NO
China	YES	YES	YES	NO
Colombia	NO	NO	NO	NO
Costa Rica	YES	NO	NO	NO
Croatia	NO	YES	YES	NO
Czech Rep.	NO	YES	YES	NO
Denmark	YES & NO	YES	YES	
Dominica				
Ecuador	NO	NO	NO	NO
El Salvador	N/A	N/A	N/A	NO
Estonia	YES	YES	NO	NO
Finland	YES	YES		YES
France	YES	YES	YES	NO
Georgia	YES	YES	NO	NO
Germany		YES	YES	NO
Hungary	YES	YES	YES	NO
Iran (Islamic Rep. of)	NO	NO	NO	
Ireland	NO	YES	NO	NO
Italy	YES	YES	YES	NO
Jamaica	YES	YES	NO	NO
Japan	YES	YES	YES	NO
Kyrgyzstan	N/A	N/A	YES	NO
Lithuania	YES	YES	YES	NO
Madagascar	NO		NO	NO
Malta	NO	YES	N/A	NO
Mauritius	N/A	N/A	YES	NO
Mexico	YES	NO	NO	NO
Monaco	NO		NO	NO
Morocco	NO	YES	YES	N/A

VIII. USE OF A MARK 3. Periods of use/non use after registration; 4. Miscellaneous				
Responding Countries/ Regional IP Offices	F. Does your legislation provide for a "grace" period between the end of the uninterrupted period of non-use and the introduction of an action for cancellation/ revocation of a mark for non-use?	G. In such a case, does your legislation provide for a specific period during which commencement or resumption of use is not taken into account when the holder of the mark was aware, or could not have been unaware, that an action for cancellation/ revocation may be introduced?	H. Are there sanctions for unjustified non-use of a registered mark?	4(A). Does your law provide for specific requirements regarding the use of trademarks in particular sectors such as the health and the environment?
New Zealand	YES	N/A	YES	NO
Norway	N/A	YES	YES	
Oman	N/A	N/A	YES	N/A
Pakistan	NO	NO	NO	NO
Panama	NO	NO	YES	NO
Philippines	NO	NO	YES	NO
Portugal	YES	YES	YES	YES
Rep. of Korea	N/A	N/A	N/A	N/A
Rep. of Moldova	NO	NO	NO	YES
Romania	NO		YES	NO
Russian Federation	NO	NO	YES	NO
Saint. Lucia				
St. Vincent & the Grenadines	YES	NO	NO	NO
Singapore	NO		YES	
Slovakia	YES	YES		NO
Slovenia	YES	YES	YES	YES
Spain	NO	YES	YES	NO
Sri Lanka	NO	N/A	NO	NO
Sudan	N/A		YES	NO
Swaziland	NO	NO	YES	N/A
Sweden	YES	YES	NO	
Switzerland	NO	NO	YES	NO
Syrian Arab Rep.	NO	NO	NO	NO
Thailand	NO	NO	NO	NO
Trinidad & Tobago	NO	NO	NO	
Tunisia	YES	YES	YES	NO
Turkey	N/A	N/A	N/A	NO
Ukraine	NO		YES	NO
United Kingdom	NO	YES	YES	NO
USA	NO	N/A	YES	NO
Uruguay	N/A	N/A	N/A	N/A
Zambia	NO	NO	YES	NO
AIPO	NO		NO	
BBM	YES	YES	YES	NO
EC	YES	YES	YES	NO

H. If YES, please explain which are the sanctions:

In most cases, if the mark was not used within the time-limit set out in the domestic laws/practice, the registration was either removed from the register, cancelled, revoked or it simply lapsed. According to some replies, cancellation/invalidity might be requested by third parties.

4.A. If YES, please explain:

In many replies, reference was made to pharmaceutical and pharmaceutical related products. In one reply it was indicated that the legislation on tobacco control provided special requirements regarding the use of marks on tobacco products.

IX. USE OF TRADEMARK SYMBOLS					
Responding Countries/ Regional IP Offices	1. Is marking provided for in national legislation?	2. Are markings allowed to indicate registration?	3. Are markings allowed to indicate use (when the mark is unregistered)?	4. Are there optional marking provisions?	5. Does the law provide for benefits from using optional markings?
Algeria	NO	YES	N/A	N/A	NO
Armenia	YES	YES	NO	YES	NO
Australia	NO	YES	YES	YES	NO
Austria	NO	YES	NO	NO	NO
Bangladesh		YES	NO	NO	YES
Belarus	YES	YES	NO	NO	NO
Brazil	NO	N/A	N/A	N/A	N/A
Bulgaria	NO	YES	N/A	NO	N/A
China	NO	YES	N/A	NO	N/A
Colombia	NO	YES	N/A	NO	NO
Costa Rica	YES	YES	NO	NO	NO
Croatia	NO	YES	NO	NO	NO
Czech Rep.	YES	YES	NO	NO	NO
Denmark		YES	YES	NO	N/A
Dominica					
Ecuador	NO	YES	N/A	NO	NO
El Salvador	NO	N/A	N/A	NO	N/A
Estonia	NO	YES	N/A	YES	NO
Finland	NO	YES		NO	NO
France	NO	YES	N/A	NO	NO
Georgia	NO	N/A	N/A	NO	NO
Germany	NO	YES	NO	NO	N/A
Hungary	NO	YES	YES	NO	NO
Iran (Islamic Rep. of)	NO	NO	NO	NO	NO
Ireland	NO	N/A	N/A	N/A	N/A
Italy	NO	YES	YES	NO	NO
Jamaica	NO	YES		NO	
Japan	YES	YES	NO		
Kyrgyzstan	YES	YES	NO	NO	NO
Lithuania	YES	YES	N/A	YES	N/A
Madagascar	NO	N/A	N/A	NO	NO
Malta	NO	YES	N/A	N/A	N/A
Mauritius	NO	YES	N/A	N/A	N/A
Mexico	YES	YES	NO	NO	N/A
Monaco	NO	NO	NO	NO	NO
Morocco	NO	NO	NO	NO	NO
New Zealand	YES	YES	YES	YES	YES
Norway		YES	YES	NO	NO
Oman	NO	YES	NO	NO	N/A
Pakistan	YES	YES	NO	NO	NO
Panama	YES	YES	NO	NO	NO
Philippines	NO	YES	NO	NO	NO
Portugal	YES	YES	NO	YES	NO
Rep. of Korea	YES	YES	NO	YES	NO
Rep. of Moldova	YES	YES	N/A	N/A	NO
Romania	NO	YES	NO		

IX. USE OF TRADEMARK SYMBOLS					
Responding Countries/ Regional IP Offices	1. Is marking provided for in national legislation?	2. Are markings allowed to indicate registration?	3. Are markings allowed to indicate use (when the mark is unregistered)?	4. Are there optional marking provisions?	5. Does the law provide for benefits from using optional markings?
Russian Federation	YES	YES	NO	N/A	N/A
Saint Lucia		NO	N/A	NO	NO
St. Vincent & the Grenadines	NO	YES	YES	NO	NO
Singapore		YES	YES		NO
Slovakia	YES	YES	NO	NO	NO
Slovenia	NO	YES	NO	NO	NO
Spain	NO	YES		NO	NO
Sri Lanka	NO	YES	N/A	NO	NO
Sudan	NO	YES	N/A	N/A	N/A
Swaziland	N/A	N/A	N/A	N/A	N/A
Sweden		YES	YES	NO	NO
Switzerland	NO	YES	YES	NO	NO
Syrian Arab Rep.	NO	YES	NO	YES	NO
Thailand	NO	YES	NO	NO	NO
Trinidad & Tobago	NO	YES	NO	NO	NO
Tunisia	YES	YES	NO	NO	NO
Turkey	NO	YES	NO	NO	NO
Ukraine	YES	YES	NO	YES	NO
United Kingdom	YES	YES	YES	NO	NO
USA	YES	YES	YES	YES	YES
Uruguay	N/A				N/A
Zambia	YES	YES	N/A	N/A	N/A
AIPO		NO	NO	NO	N/A
BBM	NO	YES	N/A	N/A	N/A
EC	NO	YES	YES	NO	NO

4. If YES, please explain:

The majority of replies indicated that a trademark owner had the option to place, next to the mark, a preventive sign, or warning, confirming the registration of the said mark (i.e., using ®, TM, or expressions such as “Registered Trademark”).

5. If YES, please explain:

Some replies stated that an owner of a mark that carried a trademark symbol might have benefits in case of infringement proceedings.

IX. USE OF TRADEMARK SYMBOLS			
Responding Countries/ Regional IP Offices	6. Which law applies for cases of false or deceptive use of marking symbols?	7. Are there penalties for non-use of markings symbols when required by law?	8. Who is responsible for control of marking requirements?
Algeria		NO	
Armenia		NO	
Australia		N/A	
Austria		N/A	
Bangladesh		YES	
Belarus		NO	
Brazil		N/A	
Bulgaria		NO	
China		NO	
Colombia		NO	
Costa Rica		NO	
Croatia		N/A	
Czech Rep.		NO	
Denmark		N/A	
Dominica			
Ecuador		N/A	
El Salvador		N/A	
Estonia		NO	
Finland		N/A	
France		NO	
Georgia		N/A	
Germany		N/A	
Hungary		NO	
Iran (Islamic Rep. of)		NO	
Ireland		YES	
Italy		NO	
Jamaica			
Japan			
Kyrgyzstan		NO	
Lithuania		N/A	
Madagascar		NO	
Malta		N/A	
Mauritius		NO	
Mexico		N/A	
Monaco		NO	
Morocco		NO	
New Zealand		NO	
Norway		N/A	
Oman		N/A	
Pakistan		NO	
Panama		NO	
Philippines		NO	IP Office
Portugal		NO	
Rep. of Korea		NO	
Rep. of Moldova		NO	
Romania			
Russian Federation		NO	
Saint Lucia		NO	

IX. USE OF TRADEMARK SYMBOLS			
Responding Countries/ Regional IP Offices	6. Which law applies for cases of false or deceptive use of marking symbols?	7. Are there penalties for non-use of markings symbols when required by law?	8. Who is responsible for control of marking requirements?
St. Vincent & the Grenadines		N/A	
Singapore		NO	
Slovakia		NO	
Slovenia		NO	
Spain		N/A	
Sri Lanka		N/A	
Sudan		N/A	
Swaziland		N/A	
Sweden		N/A	
Switzerland		NO	
Syrian Arab Rep.		NO	
Thailand		NO	
Trinidad & Tobago		NO	
Tunisia		NO	
Turkey		N/A	
Ukraine		NO	
United Kingdom		N/A	
USA		NO	
Uruguay		N/A	
Zambia		NO	
AIPO			
BBM			
EC		N/A	

6. Which law applies for cases of false or deceptive use of marking symbols? Please identify:

Most of the replies indicated their national Trade Mark Law/Act as the applied legislation. The second most indicated legislation was that on Unfair Competition, followed by Commercial, Civil, Penal and Criminal Laws. A small amount indicated that there was no such type of legislation in their territories (or at least not yet).

7. If YES, please explain:

One reply explained that, in case of non-use of marking symbols when required by law, a fine would be charged. In case of continuing offence, an additional fine would be charged on a daily basis.

8. Who is responsible for the control of marking requirements: the IP office, another government body or a private sector institution?

For the majority, governmental authorities such as the Ministry of Commerce were responsible for the control of marking requirements. Some others informed, however, that administrative authorities, such as national Industrial Property Offices were the ones responsible for the said control.

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS
1. General

Responding Countries/ Regional IP Offices	A. Please explain the nature of cancellation and/or invalidation procedures in your country	B. Does failure of required use lead to *ex officio* cancellation of the registered mark?	C. Are proceedings available to remove a mark from the register at an administrative level in the trademark office?	C(i). If "yes", what are the standing requirements?	C(ii). If "yes", by any interested person?
Algeria		NO	NO	N/A	N/A
Armenia		NO	YES		YES
Australia		NO	YES		NO
Austria		NO	YES		N/A
Bangladesh		YES	YES		YES
Belarus		NO	YES		YES
Brazil		NO	YES		YES
Bulgaria		NO	YES		
China		NO	YES		YES
Colombia		NO	YES		YES
Costa Rica		YES	NO		
Croatia		NO	YES		YES
Czech Rep.		NO	YES		YES
Denmark		NO	YES		YES
Dominica					
Ecuador		NO	YES		YES
El Salvador		N/A	NO		N/A
Estonia		NO	YES		YES
Finland		NO	NO		
France		NO	NO		
Georgia		NO	YES		NO
Germany		NO	YES		YES
Hungary		NO	YES		NO
Iran (Islamic Rep. of)		NO	YES		YES
Ireland		YES	YES		YES
Italy		NO	NO		
Jamaica		YES	YES		
Japan		NO	YES		YES
Kyrgyzstan		YES	YES		YES
Lithuania		NO	YES		YES
Madagascar		NO	NO		
Malta		NO	NO		
Mauritius			YES		YES
Mexico		NO	YES		YES
Monaco		NO	YES		NO
Morocco		NO	YES		NO
New Zealand		NO	YES		N/A
Norway		NO	YES		YES
Oman		NO	YES		N/A
Pakistan		NO	NO		
Panama		YES	YES		YES
Philippines		NO	YES		YES

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 1. General					
Responding Countries/ Regional IP Offices	A. Please explain the nature of cancellation and/or invalidation procedures in your country	B. Does failure of required use lead to *ex officio* cancellation of the registered mark?	C. Are proceedings available to remove a mark from the register at an administrative level in the trademark office?	C(i). If "yes", what are the standing requirements?	C(ii). If "yes", by any interested person?
Portugal		YES	YES		YES
Rep. of Korea		NO	NO		
Rep. of Moldova		NO	YES		YES
Romania		NO	NO		
Russian Federation		NO	YES		
Saint Lucia		NO	YES		YES
St. Vincent & the Grenadines		NO	NO		
Singapore		NO	NO		YES
Slovakia		YES	YES		YES
Slovenia		NO	NO		
Spain		YES	YES		YES
Sri Lanka		NO	NO		
Sudan		YES	YES	YES	YES
Swaziland		NO	YES		YES
Sweden		NO	NO		N/A
Switzerland		NO	NO		
Syrian Arab Rep.		NO	YES		YES
Thailand		YES	YES		NO
Trinidad & Tobago		NO	YES		YES
Tunisia		YES	NO		
Turkey		NO	YES		YES
Ukraine		NO	YES		NO
United Kingdom		NO	YES		NO
USA		YES	YES		YES
Uruguay		N/A	YES		NO
Zambia		YES	YES		YES
AIPO		NO	YES		YES
BBM		NO	NO		
EC		NO	YES		YES

A. Please explain the nature of cancellation and/or invalidation procedures in your country:

About half of the responses indicated cancellation and invalidation as proceedings to be carried out at judicial level, although in some cases the initial procedures must happen before the offices. According to some legislations, cancellation/removal might be based, for example, on lack of use or failure to renew the registration.

C.(i) If YES, what are the standing requirements?

The vast majority listed the following: non-renewal, non-use (no fulfillment of use requirements), non-compliance with local provisions, invalidation, the mark had become an unregistrable mark, cancellation following an opposition. Also any person with legal and legitimate interest might file a revocation (cancellation) action with a statement of the grounds upon which the said action was based, and proceed with the payment of the prescribed fees.

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS
1. General

Responding Countries/ Regional IP Offices	D. Are appeal procedures available?	E. Cancellation/ invalidation proceedings can start when within the period prescribed by law, the mark has not been put to genuine use in connection with the goods or services in respect of which it is registered	F. Are proceedings available to remove a mark from the register by a court?
Algeria	N/A	YES	NO
Armenia	YES	YES	YES
Australia	YES	YES	YES
Austria	YES	YES	N/A
Bangladesh	YES		YES
Belarus		YES	
Brazil	YES	YES	YES
Bulgaria	YES	NO	NO
China	YES		YES
Colombia	YES	YES	NO
Costa Rica	YES	YES	YES
Croatia	YES	YES	YES
Czech Rep.	YES	YES	N/A
Denmark	YES	YES	YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	N/A	N/A	YES
Estonia	YES	YES	YES
Finland		YES	YES
France		YES	YES
Georgia	YES	YES	YES
Germany	NO	YES	YES
Hungary	YES	NO	NO
Iran (Islamic Rep. of)	YES	NO	YES
Ireland	YES	YES	YES
Italy	NO	YES	YES
Jamaica	YES	YES	YES
Japan	YES	YES	NO
Kyrgyzstan	YES	YES	YES
Lithuania	YES	YES	YES
Madagascar	YES	NO	YES
Mauritius	YES	YES	YES
Mexico	YES	N/A	NO
Monaco	NO	NO	YES
Morocco	YES	YES	YES
New Zealand	YES	YES	YES
Norway	YES	YES	YES
Oman	NO		YES
Pakistan	YES	YES	YES
Panama	YES	YES	YES

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 1. General			
Responding Countries/ Regional IP Offices	D. Are appeal procedures available?	E. Cancellation/ invalidation proceedings can start when within the period prescribed by law, the mark has not been put to genuine use in connection with the goods or services in respect of which it is registered	F. Are proceedings available to remove a mark from the register by a court?
Philippines	YES	YES	YES
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	N/A
Rep. of Moldova	YES	NO	YES
Romania			YES
Russian Federation	NO	YES	NO
Saint Lucia	YES	NO	YES
St. Vincent & the Grenadines	YES	YES	YES
Singapore	YES	YES	YES
Slovakia	YES	YES	NO
Slovenia	NO	YES	YES
Spain	YES	YES	YES
Sri Lanka	YES	N/A	YES
Sudan	YES	YES	YES
Swaziland	YES	N/A	YES
Sweden	YES	YES	YES
Switzerland	YES	YES	YES
Syrian Arab Rep.	YES	YES	YES
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	NO	YES	YES
Turkey	YES	N/A	YES
Ukraine	NO	YES	YES
United Kingdom	YES	N/A	YES
USA	YES	YES	YES
Uruguay	NO	N/A	N/A
Zambia	YES	YES	YES
AIPO	YES	YES	YES
BBM	YES	YES	YES
EC	YES	YES	YES

E. If YES, when does the period start and what is the duration of the period?

The majority indicated that if a mark was not genuinely used within a period of five years from registration date (or from the date of issue of the certificate), it could be cancelled/invalidated. A smaller group also indicated the five-year period, but from the date of publication of the registration. The third most indicated period was that of three years from registration date. A few others went on to explain that, if no oppositions were filed, the period would be of five years from the date where the opposition period expired, or, in case an opposition was filed, five years from the date of the final decision.

F. If YES, what are the standing requirements?

Some replies indicated as grounds for these actions relative and/or absolute grounds for refusal. Some indicated that the requirements should be the same as those before the national office.

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 1. General			
Responding Countries/ Regional IP Offices	G. Are appeal procedures on court decisions available?	H. Are there restrictions in respect of time period during which such proceedings may be brought?	I. Can some registrations become incontestable?
Algeria	YES	NO	NO
Armenia	YES	YES	NO
Australia	YES	YES	NO
Austria	YES	NO	NO
Bangladesh	YES	YES	NO
Belarus	NO	NO	NO
Brazil	YES	YES	YES
Bulgaria	NO		NO
China	YES	NO	NO
Colombia	N/A	YES	NO
Costa Rica	YES	YES	N/A
Croatia	YES	YES	NO
Czech Rep.	YES	YES	NO
Denmark	YES	YES	NO
Dominica			
Ecuador	YES	YES	NO
El Salvador	YES	YES	N/A
Estonia	YES	YES	NO
Finland	YES	NO	YES
France	YES	YES	NO
Georgia	YES	N/A	NO
Germany	YES	NO	YES
Hungary	YES	NO	NO
Iran (Islamic Rep. of)	YES		NO
Ireland			NO
Italy	YES	NO	YES
Jamaica	YES	YES	
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	YES
Lithuania			NO
Madagascar	YES	NO	YES
Mauritius		YES	NO
Mexico	YES	YES	NO
Monaco	YES	YES	YES
Morocco	YES	YES	YES
New Zealand	YES	NO	NO
Norway	YES	NO	YES
Oman	YES	NO	YES
Pakistan	YES		NO
Panama	YES	YES	N/A
Philippines	YES	YES	NO
Portugal	YES	YES	NO
Rep. of Korea	N/A	N/A	YES
Rep. of Moldova	YES	YES	NO
Romania	YES	YES	NO
Russian Federation	YES	YES	YES
Saint Lucia	YES	NO	NO

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 1. General			
Responding Countries/ Regional IP Offices	G. Are appeal procedures on court decisions available?	H. Are there restrictions in respect of time period during which such proceedings may be brought?	I. Can some registrations become incontestable?
St. Vincent & the Grenadines	YES	YES	NO
Singapore	YES	NO	NO
Slovakia	YES	YES	NO
Slovenia	YES	YES	YES
Spain	YES	YES	YES
Sri Lanka	YES	NO	NO
Sudan	YES	YES	NO
Swaziland	NO	NO	NO
Sweden	YES	NO	
Switzerland	YES	NO	NO
Syrian Arab Rep.	YES	NO	YES
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	YES
Tunisia	YES	YES	YES
Turkey	YES	N/A	YES
Ukraine	YES	YES	N/A
United Kingdom	YES	YES	NO
USA	YES	YES	YES
Uruguay	N/A	N/A	N/A
Zambia	YES	YES	NO
AIPO	YES	NO	YES
BBM	YES	YES	NO
EC	YES	YES	NO

G. Please explain:

Most replies indicated that the dissatisfied party might appeal against a court decision, or a decision from the trademark office, before the court of the next instance - second or third. In this case, most replies cited the Supreme Court and the Court (or Board) of Appeal as a higher instance, but other types of courts were also mentioned, i.e. the High Court and the Federal Tribunal. One reply in particular said that an appeal must be presented before the instance that issued the final decision.

H. If YES, give time period restriction:

Many of the replies indicated a period of 15 days during which appeal procedures might be brought. Other replies mentioned the period of five to 90 days from the notification of the decision or two months from the publication of the decision. Some replies stated that in case that an interested party had acquiesced for five years with the use of the mark by a third party, he/she could no longer object to the use or invoke the nullity of the later application of that mark (unless in case of bad faith).

I. If YES, please explain how:

The majority of the replies answering “yes” indicated that, in case a mark was registered and effectively used for a period of at least five years (in one case, three years), counted from the date of its publication or registration, and provided that the application was made in good faith and in accordance with all national requirements, its use should not be contested (i.e., in a claim of priority use). In one reply specifically, an affidavit stating that the mark had been in continuous use in commerce for the period of five years, must be presented within one year after this period.

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS
2. Possible grounds for removal

Responding Countries/ Regional IP Offices	A. Identity with prior mark, registered for identical goods or services	B. Likelihood of confusion with prior registered mark	C. Likelihood of confusion with prior unregistered mark
Algeria	YES	YES	NO
Armenia	YES	YES	NO
Australia	YES	YES	NO
Austria	YES	YES	YES
Bangladesh	YES	NO	NO
Belarus	YES	YES	NO
Brazil	YES	YES	YES
Bulgaria	YES	YES	YES
China	YES	YES	YES
Colombia	YES	YES	N/A
Costa Rica	N/A	N/A	N/A
Croatia	YES	YES	NO
Czech Rep.	YES	YES	NO
Denmark	YES	YES	YES
Dominica			
Ecuador	YES	YES	NO
El Salvador	YES	YES	YES
Estonia	YES	YES	YES
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	YES	YES	NO
Germany	YES	YES	YES
Hungary	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	YES	
Italy	YES	YES	YES
Jamaica	YES	YES	YES
Japan	YES	YES	YES
Kyrgyzstan	YES	YES	NO
Lithuania	YES	YES	YES
Madagascar	YES	YES	NO
Malta	YES	YES	YES
Mauritius	YES	YES	YES
Mexico	YES	YES	YES
Monaco	YES	YES	YES
Morocco	YES	YES	NO
New Zealand	YES	YES	YES
Norway	YES	YES	YES
Oman	YES	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	N/A
Philippines	YES	YES	YES
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	NO
Rep. of Moldova	YES	YES	NO
Romania	YES	YES	NO
Russian Federation	YES	YES	YES

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 2. Possible grounds for removal			
Responding Countries/ Regional IP Offices	A. Identity with prior mark, registered for identical goods or services	B. Likelihood of confusion with prior registered mark	C. Likelihood of confusion with prior unregistered mark
Saint Lucia	NO	NO	NO
Russian Federation	YES	YES	YES
St. Vincent & the Grenadines	YES	YES	NO
Singapore	YES	YES	YES
Slovakia	YES	YES	YES
Slovenia	YES	YES	YES
Spain	YES	YES	YES
Sri Lanka	NO	NO	NO
Sudan	YES	YES	N/A
Swaziland	YES	YES	N/A
Sweden	YES	YES	YES
Switzerland	YES	YES	YES
Syrian Arab Rep.	YES	YES	YES
Thailand	YES	YES	YES
Trinidad & Tobago	YES	YES	NO
Tunisia	YES	YES	NO
Turkey	YES	YES	YES
Ukraine	YES	YES	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	N/A	N/A	N/A
Zambia	YES	YES	NO
AIPO		YES	YES
BBM	YES	YES	YES
EC	YES	YES	YES

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS
2. Possible grounds for removal

Responding Countries/ Regional IP Offices	D. Likelihood of confusion with pending application	E. Appellations of origin/protected geographical indications	F. Surname
Algeria	YES	YES	YES
Armenia	YES	YES	NO
Australia	YES	YES	NO
Austria	NO	YES	NO
Bangladesh	NO	NO	NO
Belarus	YES	YES	YES
Brazil	YES	YES	YES
Bulgaria	NO	YES	YES
China	NO	YES	YES
Colombia	YES	YES	YES
Costa Rica	N/A	N/A	N/A
Croatia	YES	YES	NO
Czech Rep.	N/A	NO	NO
Denmark	YES	YES	YES
Dominica			
Ecuador	YES	YES	YES
El Salvador	YES	YES	YES
Estonia	YES	YES	NO
Finland	YES	YES	YES
France	YES	YES	YES
Georgia	NO	YES	YES
Germany	NO	YES	YES
Hungary	YES	YES	YES
Iran (Islamic Rep. of)	YES	YES	YES
Ireland	YES	YES	NO
Italy	YES	YES	YES
Jamaica	YES	YES	YES
Japan	YES	YES	N/A
Kyrgyzstan	N/A	YES	NO
Lithuania	YES	YES	YES
Madagascar	YES	YES	NO
Malta	YES	YES	YES
Mauritius	N/A	YES	YES
Mexico	YES	YES	NO
Monaco	NO	YES	NO
Morocco	YES	YES	YES
New Zealand	YES	YES	YES
Norway	YES	YES	YES
Oman	N/A	YES	YES
Pakistan	YES	YES	YES
Panama	YES	YES	NO
Philippines	YES	YES	YES
Portugal	YES	YES	YES
Rep. of Korea	YES	YES	NO
Rep. of Moldova	YES	YES	YES
Romania	NO	YES	YES
Russian Federation	YES	YES	YES

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 2. Possible grounds for removal			
Responding Countries/ Regional IP Offices	D. Likelihood of confusion with pending application	E. Appellations of origin/protected geographical indications	F. Surname
Saint Lucia	NO	NO	NO
St. Vincent & the Grenadines	YES	NO	N/A
Singapore	YES	YES	YES
Slovakia	YES	YES	YES
Slovenia	YES	YES	YES
Spain	NO	YES	YES
Sri Lanka	NO	NO	NO
Sudan	N/A	N/A	N/A
Swaziland	YES	N/A	N/A
Sweden	YES	YES	YES
Switzerland	YES	YES	YES
Syrian Arab Rep.	YES	NO	YES
Thailand	YES	YES	NO
Trinidad & Tobago	YES	YES	YES
Tunisia	NO	YES	NO
Turkey	YES	YES	YES
Ukraine	YES	YES	YES
United Kingdom	YES	YES	YES
USA	YES	YES	YES
Uruguay	N/A	N/A	N/A
Zambia	YES	N/A	YES
AIPO	NO	YES	NO
BBM	YES	YES	NO
EC	YES	YES	NO

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS
2. Possible grounds for removal; 3. Miscellaneous

Responding Countries/ Regional IP Offices	G. Descriptiveness	H. Genericness	I. Other	3(A). Is there a period of time during which a third party or the owner of the removed mark may not apply to register the mark again?
Algeria	YES	YES		YES
Armenia	YES	YES		NO
Australia	YES	YES		NO
Austria	YES	YES		NO
Bangladesh	NO	NO		NO
Belarus	YES	YES		NO
Brazil	YES	YES		YES
Bulgaria	YES	YES		NO
China	YES	YES		NO
Colombia	YES	YES		NO
Costa Rica	N/A	N/A		N/A
Croatia	YES	YES		NO
Czech Rep.	YES	YES		NO
Denmark	YES	YES		NO
Dominica				
Ecuador	YES	YES		NO
El Salvador	YES	YES		NO
Estonia	YES	YES		NO
Finland	YES	YES		NO
France	YES	YES		YES
Georgia	YES	YES		YES
Germany	YES	YES		NO
Hungary	YES	YES		NO
Iran (Islamic Rep. of)	YES	YES		NO
Ireland	YES	YES		NO
Italy	YES	YES		NO
Jamaica			YES	NO
Japan	YES			YES
Kyrgyzstan	YES	YES		NO
Lithuania	YES	YES		NO
Madagascar	YES	YES		NO
Malta	YES	YES		NO
Mauritius	YES	YES		YES
Mexico	YES	YES		NO
Monaco	YES	YES		NO
Morocco	YES	YES		NO
New Zealand	YES	YES		NO
Norway	YES	YES		NO
Oman	YES	YES		YES
Pakistan	YES	YES		NO
Panama	YES	YES		NO
Philippines	YES	YES		NO
Portugal	YES	YES		NO

X. CANCELLATION OR/AND INVALIDATION PROCEEDINGS 2. Possible grounds for removal; 3. Miscellaneous				
Responding Countries/ Regional IP Offices	G. Descriptiveness	H. Genericness	I. Other	3(A). Is there a period of time during which a third party or the owner of the removed mark may not apply to register the mark again?
Rep. of Korea	YES	YES		YES
Rep. of Moldova	YES	YES		NO
Romania	YES	YES		NO
Russian Federation				NO
Saint Lucia	NO	NO		NO
St. Vincent & the Grenadines	N/A	N/A		NO
Singapore	YES	YES		NO
Slovakia	YES	YES		YES
Slovenia	NO	NO		NO
Spain	YES	YES		NO
Sri Lanka	NO	YES		YES
Sudan	N/A	N/A		N/A
Swaziland	N/A	N/A		N/A
Sweden	YES	YES		NO
Switzerland	YES	YES		NO
Syrian Arab Rep.	YES	YES		NO
Thailand	YES	YES		NO
Trinidad & Tobago	YES	YES		NO
Tunisia	YES	YES		NO
Turkey	YES	YES		NO
Ukraine	YES	YES		YES
United Kingdom	YES	YES		NO
USA	YES	YES		NO
Uruguay	N/A	N/A		N/A
Zambia	YES	YES		YES
AIPO	YES	YES		
BBM	YES	YES		NO
EC	YES	YES		NO

I. Other:

The following grounds for removal, among others, were given: all relative and/or absolute grounds, conflict with official signs, non-distinctiveness of the mark, conflict with the denomination of a plant variety or notorious mark, a mark created in bad faith or a mark that had become the common name in trade for the product for which it was registered, copyright violation, conflict with an earlier right to a name and registration obtained by fraud or other unlawful means.

3.(A) If YES, please explain:

One reply indicated that, once a final and conclusive decision was rendered, the owner (or, in some cases, a third party as well) was prohibited to present a new trademark application. Once a mark ceased to have effect, the period of prohibition to use or to apply the same mark again varied between one to 10 years.

XI. RENEWAL OF REGISRATION					
Responding Countries/ Regional IP Offices	1. Duration of registration	2. Period for filing renewal applications	3. Payment of renewal fee only required?	4. Are there other requirements for renewal?	6. Does the IP office contact the holder of the mark to inform him/her when his/her registration is due for renewal?
Algeria	10 years	10 years	NO	NO	YES
Armenia	10 years	10 years	YES	NO	NO
Australia	10 years	12 months before & after	NO		YES
Austria	10 years		YES	NO	YES
Bangladesh	Perpetual	6 months after	NO		YES
Belarus	10 years	6 months before	YES	NO	NO
Brazil	10 years	1 year before & 6 months after	YES	YES	NO
Bulgaria	10 years	Last year	YES	NO	NO
China	10 years	6 months before & after	YES	NO	YES
Colombia	10 years	6 months before & after	YES	NO	NO
Costa Rica	10 years	1 year before	YES	NO	NO
Croatia	10 years	Last year & 6 months after	NO	YES	NO
Czech Rep.	10 years	Last year	YES	NO	NO
Denmark	10 years	6 months before & after	YES		YES
Dominica					
Ecuador	10 years	6 months before & after	YES	NO	NO
El Salvador	10 years	1 year before & six months after	YES	NO	NO
Estonia	10 years	1 year before & six months after	YES	NO	NO
Finland	10 years	1 year before & 6 months after	YES	NO	YES
France	10 years	6 months before	YES	NO	NO
Georgia	10 years	Last six months	YES	NO	N/A
Germany	10 years	1 year before	YES	NO	YES
Hungary	10 years	12 months before & 6 months after	YES	YES	YES
Iran (Islamic Rep. of)	10 years	Up to 6 months after	YES	NO	
Ireland	10 years	Up to 6 months after	NO	YES	YES

XI. RENEWAL OF REGISRATION					
Responding Countries/ Regional IP Offices	1. Duration of registration	2. Period for filing renewal applications	3. Payment of renewal fee only required?	4. Are there other requirements for renewal?	6. Does the IP office contact the holder of the mark to inform him/her when his/her registration is due for renewal?
Italy	10 years	1 year before & 6 months after	YES	NO	NO
Jamaica	10 years	6 months before	YES	NO	YES
Japan	10 years	6 months before & after	YES	NO	NO
Kyrgyzstan	10 years	Last year	YES	YES	NO
Lithuania	10 years	1 year before & 6 months after	YES	NO	NO
Madagascar	10 years	1 year before	YES	NO	NO
Mauritius	10 years	6 months before & 3 months after	NO	YES	NO
Malta	10 years	6 months before	YES	NO	YES
Mexico	10 years	6 months before & after	NO	YES	NO
Monaco	10 years	Up to 6 months after	YES	YES & NO	NO
Morocco	10 years	6 months before	NO		YES
New Zealand	10 years	1 year before	YES	NO	YES
Norway	10 years	1 year before	YES		YES
Oman	10 years	6 months after	YES	NO	YES
Pakistan	10 years	6 months after	YES	NO	
Panama	10 years	1 year before & 6 months after	NO	NO	NO
Philippines	10 years	Within 6 months before	NO	YES	NO
Portugal	10 years	6 months before & after	YES	NO	YES
Rep. of Korea	10 years	1 year before	YES	NO	YES
Rep. of Moldova	10 years	Last year	YES	NO	YES
Romania	10 years		YES	NO	NO
Russian Federation	10 years	Last year	YES	NO	NO
Saint Lucia	10 years	6 months before & 12 after	YES	NO	YES
St. Vincent & the Grenadines	10 years	6 months before	YES	NO	YES
Singapore	10 years	Up to 1 year after	YES		YES

XI. RENEWAL OF REGISRATION					
Responding Countries/ Regional IP Offices	1. Duration of registration	2. Period for filing renewal applications	3. Payment of renewal fee only required?	4. Are there other requirements for renewal?	6. Does the IP office contact the holder of the mark to inform him/her when his/her registration is due for renewal?
Slovakia	10 years	Last year & 6 months after	YES	NO	NO
Slovenia	10 years	12 months before	YES	NO	YES
Spain	10 years	6 months before & after	YES	NO	YES
Sri Lanka	10 years	1 year before & 6 months after	YES	NO	NO
Sudan	10 years	3 months before	YES	N/A	YES
Swaziland	10 years	10 years	YES	NO	YES
Sweden	10 years	1 year before & 6 months after	YES		YES
Switzerland	10 years	1 year before & 6 months after	NO	YES	YES
Syrian Arab Rep.	10 years		YES	NO	NO
Thailand	10 years	90 days before	YES	NO	
Trinidad & Tobago	10 years	6 months before	YES	NO	YES
Tunisia	10 years	6 months before	NO		NO
Turkey	10 years	1 year	YES	NO	NO
Ukraine			YES	NO	N/A
United Kingdom	10 years	6 months after	YES	NO	YES
USA	10 years	6 months after	NO	NO	NO
Uruguay	10 years	6 months before	YES	NO	NO
Zambia	7 years	6 months before	YES	NO	YES
AIPO	10 years	6 months before	YES		NO
BBM	10 years	6 months before & after	YES	NO	YES
EC	10 years	6 months before	NO	NO	YES

4. If YES, please explain:

Almost all of the respondents indicated the need for the filing of a formal request for renewal and, among the responses obtained, only in one reply it was indicated that the renewal request would be examined as if it were a new application.

5. How long is the period after expiration of registration during which renewal can still be made?

Almost universally the period after expiration during which renewal can still be made was indicated as six months.

6. If YES, what are the consequences if the IP office has failed to inform the holder?

Where replies were given to this question, virtually all indicated that there would not be any consequences arising from a failure on the part of the office to contact the holder when the registration was due for renewal.

XI. RENEWAL OF REGISRATION 7. Restoration; 8; 9					
Responding Countries/ Regional IP Offices	7(A). Are there provisions to restore a lapsed registration?	7(B). Can restoration affect the rights of intervening users?	7(C). Can restoration affect the rights of intervening registrants of identical/ similar marks?	8. Is there a period of time after non-renewal during which third parties are prevented from applying to register the same mark?	9. Are unlimited renewals available?
Algeria	NO	NO	NO	YES	YES
Armenia	NO	NO	NO	YES	YES
Australia	N/A	N/A	N/A	NO	YES
Austria	YES	YES	YES	NO	YES
Bangladesh	YES	YES	YES	NO	NO
Belarus	NO	NO	NO	NO	YES
Brazil	NO	N/A	N/A	YES	YES
Bulgaria	NO			NO	YES
China	YES	N/A	N/A	YES	YES
Colombia	NO	N/A	N/A	NO	YES
Costa Rica	NO	N/A	N/A	YES	NO
Croatia	YES	N/A	YES	YES	YES
Czech Rep.	NO	NO	NO	YES	YES
Denmark	NO	N/A	N/A	NO	YES
Dominica					
Ecuador	NO	N/A	N/A	NO	YES
El Salvador	NO	N/A	N/A	NO	YES
Estonia	NO	NO	NO	NO	YES
Finland	NO	N/A	N/A	NO	YES
France	NO	N/A	N/A	YES	YES
Georgia	YES	NO	N/A	YES	YES
Germany	YES	NO	YES	NO	YES
Hungary	NO	NO	NO	YES	YES
Iran (Islamic Rep. of)	NO	NO	NO	NO	NO
Ireland	YES			NO	NO
Italy	NO			NO	YES
Jamaica	YES	YES	YES	YES	YES
Japan	YES	NO	NO	YES	YES
Kyrgyzstan	NO	NO	NO	YES	YES
Lithuania	NO	N/A	N/A	NO	NO
Madagascar	YES	N/A	NO	YES	YES
Malta	YES	N/A	N/A	NO	YES
Mauritius	NO	N/A	N/A	YES	YES
Mexico	NO	N/A	N/A	YES	YES
Monaco	NO	NO	NO	NO	YES
Morocco	NO	NO	NO	NO	YES
New Zealand	YES	NO	NO		
Norway	NO	N/A	N/A	NO	YES
Oman	N/A	N/A	N/A	YES	YES
Pakistan	YES	YES	YES	NO	YES
Panama	N/A	N/A	N/A	NO	NO
Philippines	YES	YES	YES	NO	YES

XI. RENEWAL OF REGISRATION 7. Restoration; 8; 9					
Responding Countries/ Regional IP Offices	7(A). Are there provisions to restore a lapsed registration?	7(B). Can restoration affect the rights of intervening users?	7(C). Can restoration affect the rights of intervening registrants of identical/ similar marks?	8. Is there a period of time after non-renewal during which third parties are prevented from applying to register the same mark?	9. Are unlimited renewals available?
Portugal	YES	YES	YES	NO	YES
Rep. of Korea	NO	NO	NO	YES	YES
Rep. of Moldova	YES	YES	YES	NO	YES
Romania	NO			NO	YES
Russian Federation	NO	N/A	N/A	N/A	YES
Saint Lucia	NO	N/A	N/A	YES	YES
St. Vincent & the Grenadines	NO	N/A	N/A	YES	YES
Singapore	YES	NO	NO	YES	YES
Slovakia	NO	NO	YES	YES	YES
Slovenia	YES	NO	NO	NO	NO
Spain	YES	NO	NO	NO	YES
Sri Lanka	NO	N/A	N/A	YES	YES
Sudan	YES	NO	N/A	NO	YES
Swaziland	NO	YES	YES	NO	YES
Sweden	YES	YES	YES	NO	YES
Switzerland	NO	NO	NO	NO	YES
Syrian Arab Rep.	NO	NO	NO	NO	YES
Thailand	NO	N/A	N/A	NO	YES
Trinidad & Tobago	YES	NO	NO	YES	YES
Tunisia	NO	NO	NO	NO	YES
Turkey	NO	N/A	N/A	YES	YES
Ukraine	NO			N/A	N/A
United Kingdom	YES	N/A	N/A	YES	YES
USA	YES	YES	YES	NO	YES
Uruguay	N/A	N/A	N/A	NO	YES
Zambia	YES	YES	YES	YES	NO
AIPO	YES	YES	YES	YES	YES
BBM	YES	YES	YES	NO	YES
EC	YES	YES	NO	NO	YES

7.A. If YES, please explain:

Approximately one third of the responses confirmed that there existed limited provisions for *restitutio in integrum*.

7.B. If YES, please explain:

A small number of responses indicated that no intervening rights through registration might be obtained.

7.C. If YES, please explain:

Of those who responded positively to question 7.A., about half indicated that good faith use of the mark in the interim period was protected.

8. If YES, please explain:

There was quite a wide divergence in the periods of time indicated during which third parties might be prevented from applying to register the same mark. The periods varied from the six-month grace period (in many cases) to 8 years (in a single case). However, the most common period indicated was one year from non-renewal.

XI. RENEWAL OF REGISRATION				
Responding Countries/ Regional IP Offices	10. Must marks be used before they can be renewed?	11. Is evidence of use required upon renewal?	12. Duration of renewal.	13. Is a new number assigned each time a registration is renewed?
Algeria	NO	NO	10 years	YES
Armenia	NO	NO	10 years	NO
Australia	NO	NO	10 years	NO
Austria	NO	NO	10 years	NO
Bangladesh	YES	NO	7 years	YES
Belarus	NO		10 years	NO
Brazil	N/A	NO	10 years	NO
Bulgaria	NO	NO	10 years	NO
China	NO	NO	10 years	NO
Colombia	NO	NO	10 years	NO
Costa Rica	NO	NO	10 years	NO
Croatia	NO	NO	10 years	NO
Czech Rep.	NO	NO	10 years	NO
Denmark	NO	NO	10 years	NO
Dominica				
Ecuador	NO	NO	10 years	NO
El Salvador	NO	NO	10 years	NO
Estonia	YES	NO	10 years	NO
Finland	NO	NO	10 years	NO
France	NO	NO	10 years	NO
Georgia	NO	NO	10 years	N/A
Germany	NO	NO	10 years	NO
Hungary	NO	NO	10 years	NO
Iran (Islamic Rep. of)	YES	NO	10 years	NO
Ireland	NO	NO	10 years	NO
Italy	YES	NO	10 years	YES
Jamaica	NO	NO	10 years	NO
Japan	YES	NO	10 years	NO
Kyrgyzstan	NO	NO	10 years	NO
Lithuania	NO	NO	10 years	NO
Madagascar	NO	NO	10 years	YES
Malta	NO	NO	10 years	NO
Mauritius	NO	NO	10 years	NO
Mexico	YES	NO	10 years	NO
Monaco	NO	NO	10 years	NO
Morocco	NO	NO	10 years	YES
New Zealand	NO	NO	10 years	NO
Norway	NO	NO	10 years	NO
Oman	YES	NO	10 years	NO
Pakistan	NO	YES	10 years	NO
Panama	YES	YES	10 years	NO
Philippines	YES	NO	10 years	NO
Portugal	NO	NO	10 years	NO
Rep. of Korea	NO	NO	10 years	
Rep. of Moldova	NO	NO	10 years	NO
Romania	NO	NO	10 years	NO
Russian Federation	YES	NO	10 years	NO
Saint Lucia	NO	NO	10 years	NO

XI. RENEWAL OF REGISRATION				
Responding Countries/ Regional IP Offices	10. Must marks be used before they can be renewed?	11. Is evidence of use required upon renewal?	12. Duration of renewal.	13. Is a new number assigned each time a registration is renewed?
St. Vincent & the Grenadines	NO	NO	10 years	NO
Singapore	NO	NO	10 years	NO
Slovakia	YES	NO	10 years	NO
Slovenia	NO	NO	10 years	NO
Spain	NO	NO	10 years	NO
Sri Lanka	NO	NO	10 years	NO
Sudan	N/A	NO	10 years	NO
Swaziland	YES	YES	10 years	NO
Sweden	NO	NO	10 years	NO
Switzerland	NO	NO	10 years	NO
Syrian Arab Rep.	NO	NO	10 years	YES
Thailand	NO	NO	10 years	NO
Trinidad & Tobago	NO	NO	10 years	NO
Tunisia	YES	NO	10 years	YES
Turkey	NO	NO	10 years	NO
Ukraine	N/A	N/A		N/A
United Kingdom	NO	NO	10 years	NO
USA	NO	NO	10 years	NO
Uruguay	NO	NO	10 years	YES
Zambia	YES	YES	10 years	NO
AIPO	NO	NO	10 years	NO
BBM	NO	NO	10 years	NO
EC	NO	NO	10 years	NO

11. If YES, please explain:

Four respondents replied in the affirmative to this question, referring to the provisions of their respective laws.

14. What other formalities must be observed upon renewal?

The respondent who replied to this question indicated invariably that, apart from the filing of the request and payment of the renewal fees, no other formalities were required on renewal.

XII. MAINTAINING THE REGISTER			
Responding Countries/ Regional IP Offices	1. Can changes be made to the registrations?	2. Are there any time limits for filing a request of a change?	3. What are the effects of a change in the register?
Algeria	NO	NO	
Armenia	YES	NO	
Australia	YES	NO	
Austria	YES	NO	
Bangladesh			
Belarus	YES	NO	
Brazil	NO	N/A	
Bulgaria	NO	NO	
China	YES	NO	
Colombia	YES	NO	
Costa Rica	YES	NO	
Croatia	YES	NO	
Czech Rep.	YES	NO	
Denmark			
Dominica			
Ecuador	YES	NO	
El Salvador	YES	NO	
Estonia	YES	NO	
Finland	YES	NO	
France	YES	NO	
Georgia	YES	NO	
Germany	YES	NO	
Hungary	YES	NO	
Iran (Islamic Rep. of)		NO	
Ireland	YES	NO	
Italy	NO		
Jamaica			
Japan	YES	YES	
Kyrgyzstan	YES	NO	
Lithuania	YES	NO	
Madagascar	YES	NO	
Malta	YES	NO	
Mauritius	YES	NO	
Mexico	YES	NO	
Monaco	YES	NO	
Morocco	NO	NO	
New Zealand	YES	NO	
Norway			
Oman	YES	NO	
Pakistan	YES	NO	
Panama	YES	NO	
Philippines	YES	NO	
Portugal	YES	NO	
Rep. of Korea	N/A	N/A	
Rep. of Moldova	YES	NO	
Romania	NO		
Russian Federation	YES	NO	
Saint Lucia	YES	NO	

XII. MAINTAINING THE REGISTER			
Responding Countries/ Regional IP Offices	1. Can changes be made to the registrations?	2. Are there any time limits for filing a request of a change?	3. What are the effects of a change in the register?
St. Vincent & the Grenadines	YES	NO	
Singapore			
Slovakia	YES	NO	
Slovenia	YES	NO	
Spain	YES	NO	
Sri Lanka	YES	NO	
Sudan	YES	NO	
Swaziland	YES	NO	
Sweden			
Switzerland	YES	NO	
Syrian Arab Rep.	NO	NO	
Thailand	YES	NO	
Trinidad & Tobago	YES	NO	
Tunisia	YES	NO	
Turkey	YES	NO	
Ukraine	YES	YES	
United Kingdom	YES	NO	
USA	YES	NO	
Uruguay	NO	NO	
Zambia	YES	NO	
AIPO			
BBM	NO	NO	
EC	YES	NO	

1. If YES, please explain:

Almost without exception, the respondents confirmed that changes might be made to a registration. The scope of such changes varied, but by and large, the permissible changes included transfer of rights, changes in name or address of applicant, holder or representative, change of representative, limitation of goods and services, division, recording of restrictions, recording of licences and levy of execution – in other words, changes essential to the legal status of the trademark. On the other hand, the strong consensus among the respondents was that changes involving the mark itself could only be effected in very limited and exceptional circumstances and, in general, the specification of goods and services could not be extended.

2. If YES, please explain:

Only two respondents replied in the affirmative to this question, one of them stating that the changes must occur during the term of the trademark right.

3. What are the effects of a change in the register?

Where this question was responded to, it was in general to the effect that the changes required recording and publishing and that the changes entered into force after the date of such recording. In a certain number of responses, it was also stated that, depending upon the nature of the change, there might be a possibility of third party opposition to the change within a given period of time after publication.

XIII. TIME LIMITS FIXED BY THE OFFICE					
Responding Countries/ Regional IP Offices	1. What kind of time limits is fixed by your IP office?	2. What is the duration of these time limits?	3. Can these time limits be extended?	4. Is continued processing provided for if a time limit under question XIII.1 has expired?	5. Is reinstatement of rights provided for if a time limit under question XIII.1 has expired?
Algeria		2 months	YES	YES	NO
Armenia			YES	YES	YES
Australia			YES	YES	N/A
Austria		Usually 2 months	YES	YES	YES
Bangladesh					
Belarus		3 months	YES	NO	NO
Brazil			YES	YES	YES
Bulgaria		3 months	YES	NO	YES
China			YES	NO	NO
Colombia			NO	N/A	N/A
Costa Rica			N/A	N/A	N/A
Croatia	None		N/A	N/A	N/A
Czech Rep.		Usually 2 months	YES	NO	YES
Denmark					
Dominica					
Ecuador					
El Salvador			YES	NO	NO
Estonia		Minimum 2 months	YES	YES	YES
Finland		Usually 16 weeks not less than 4 weeks	YES	NO	NO
France		1 to 4 months	YES	YES	YES
Georgia			N/A	N/A	N/A
Germany			YES		
Hungary		Not less than 30 days up to 3 months	YES	NO	YES
Iran (Islamic Rep. of)			NO	NO	No
Ireland		3 months	YES	YES	YES
Italy					
Jamaica		3 months	YES	YES	YES
Japan		40 days	YES	NO	NO
Kyrgyzstan	None		NO	NO	NO
Lithuania		3 months	YES	NI	NO
Madagascar			NO	YES	YES
Malta			NO	N/A	N/A
Mauritius				NO	NO
Mexico		2 months	YES	NO	NO
Monaco					NO
Morocco					
Oman			N/A	N/A	N/A
New Zealand			YES	YES	NO

XIII. TIME LIMITS FIXED BY THE OFFICE					
Responding Countries/ Regional IP Offices	1. What kind of time limits is fixed by your IP office?	2. What is the duration of these time limits?	3. Can these time limits be extended?	4. Is continued processing provided for if a time limit under question XIII.1 has expired?	5. Is reinstatement of rights provided for if a time limit under question XIII.1 has expired?
Norway					
Pakistan		2 months	YES	NO	NO
Panama			NO	NO	NO
Philippines			YES	NO	NO
Portugal		In principle 1 month	YES	YES	YES
Rep. of Korea		In principle 2 months	YES	N/A	N/A
Rep. of Moldova			YES	N/A	N/A
Romania		3 months	NO		NO
Russian Federation					
Saint Lucia		6 months to 1 year	NO	YES	NO
St. Vincent & the Grenadines			YES	NO	NO
Singapore					
Slovakia			NO	NO	NO
Slovenia			YES	YES	YES
Spain			YES	YES	YES
Sri Lanka			N/A	N/A	N/A
Sudan		1 to 3 months	YES	YES	YES
Swaziland			YES	NO	NO
Sweden					
Switzerland			YES	YES	YES
Syrian Arab Rep.		60 days	NO	NO	NO
Thailand		90 days	NO	NO	NO
Trinidad & Tobago		3 months	YES	YES	YES
Tunisia		2 months	NO	NO	YES
Turkey			NO	N/A	N/A
Ukraine			YES	YES	YES
United Kingdom			YES	NO	NO
USA			NO	NO	YES
Uruguay			NO	YES	NO
Zambia			YES	YES	YES
AIPO					
BBM		Up to 6 months	YES	YES	NO
EC			YES	NO	YES

1. Among others was mentioned rejection of an application and, in one special case, revocation of acceptance (one month to request a hearing from notification that the acceptance would otherwise be revoked). Some replies indicated time limits for statements in a two party procedure. Also, the opportunity to make observations in opposition or cancellation proceedings were indicated as well as remedy of deficiencies in other proceedings before the office, such as change in ownership etc. However, the majority stated that laws prescribed all the time limits.

5. If YES, what are the requirements for reinstatement of rights?:

Where respondents replied to this question, it was indicated that the party to the proceedings would be required to justify the failure to observe the time limit in question – generally, *force majeure* or other impediment independent of the applicant or representative - and prove that all due care had been exercised.

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