

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT

Sweden

The present document reproduces¹ the following laws and regulations, as notified by Sweden under Article 63.2 of the Agreement (see document IP/N/1/SWE/1):

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¹In English only

THE MINISTRY OF JUSTICE
Stockholm

TRADEMARKS REGULATION (Act 1960:648)

On the Trademark Register

Section 1. The trademark register kept by the Patent and Registration Office shall contain information about trademarks which have been registered in this country and a separate part for collective marks.

Section 2. Unless otherwise prescribed, the provisions of this Regulation concerning trademarks shall apply also to collective marks.

Section 3. When a decision about the registration of a trademark has been taken according to Article 20, first paragraph, of the Trademarks Act, the Registration Authority shall immediately enter the mark in the register under the nearest following available number.

In the register shall also be recorded

1. the registration number of the trademark and an indication of the application number, if this is different,
 2. the time of the filing of the application for registration and the registration date,
 3. the name or the trade name of the owner, and his mailing address,
 4. an indication of the goods or services and of the classes to which the goods or services belong
- and, as regards a collective mark, the conditions under which the mark may be used,
5. an indication of how the figurative elements of the trademark have been classified, and
 6. an indication of such an exception from the protection as is mentioned in Article 15 of the Trademarks Act.

Where a description as mentioned in Section 10 of this Regulation has been requested, the description may also be entered into the register.

In appropriate cases also indications of circumstances referred to in Articles 28 to 30 of the Trademarks act shall be recorded.

Where the owner of a trademark does not have his domicile in Sweden, or where the trademark owner in other cases so requests, an entry shall be made in the register of his representative.

Section 4. Any application for renewal shall immediately be entered into the register with an indication of the date for it. When the case has been decided, the decision shall be entered into the register. Where a renewal is granted for a person other than the one who has latest been recorded as the owner of the trademark, an entry shall at the same time be made of the relevant circumstances concerning the new owner.

Section 5. When a trademark has been removed from the register under Articles 27 or 31 of the Trademarks Act, the date for the decision and the reasons for it shall be recorded.

Section 6. Any entry of an assignment or a license relating to a trademark under Articles 33 or 34 of the Trademarks Act shall contain the name or trade name, and mailing address, of the new owner or licensee and an indication of the date of the agreement concerning the assignment or the license.

Where the applicant so requests, an indication shall be entered concerning limitations of the licensee's rights.

Where a question concerning an entry of an assignment or a license can not be decided immediately, an indication shall nevertheless be inserted into the register that such an entry has been requested.

On Applications in Trademark Matters

Section 7. An application in a trademark matter shall be filed in writing and be signed by the applicant or his representative. The application shall be in the Swedish language unless the Registration Authority, in a specific case, admits otherwise. Where an annex to an application is in a language other than Swedish, the applicant shall file also a certified translation of the annex, where the Registration Authority so requests.

The person filing an application shall pay a prescribed fee.

An application concerning several goods or services may be divided into two or more applications among which the initial goods or services are distributed. These applications shall have the same filing date and the same priority as the original application.

Section 8. Where someone at the same time applies for the registration of several trademarks or otherwise requests an action relating to several trademarks, one separate application shall be made for each mark where not otherwise follows from the second and third paragraphs.

An application for a change of the name or address of the applicant, of the owner or of the representative may relate to several applications or registrations provided that the application numbers or the registration numbers for them are indicated.

Where an assignment or other transfer has occurred concerning several registered trademarks, one single application for recordal of this fact may be made, provided that both the previous and the new owner is the same for all marks and their registration numbers are indicated.

Section 9. An application for registration of a trademark shall contain

1. the name or trade name, and the mailing address, of the applicant,
2. where the applicant is represented by an attorney, the name and the mailing address of the attorney,
3. as regards a figurative mark or a design, a picture of the mark suitable for reproduction and, as regards a word mark, its wording,
4. indication of the goods or services for which the mark is requested to be protected, and of the classes to which the goods or services belong,

Where a registration concerns the registration of a figurative mark or a design, specific reproductions of the mark in at least ten copies and in a format which does not exceed 8 times 8 centimetres shall be filed with the application. Where the mark is requested to be registered in colour, at least five of the pictures shall be in colour and five in black and white.

Where the applicant does not have his domicile in Sweden, an extract from the trademark register of his country of origin shall be filed with the application; the extract shall show that the trademark is registered there for him in respect of the goods to which the application in this country applies ("certificate of country of origin"). Separate provisions apply concerning exceptions from the need to file a certificate of country of origin.

The Registration Authority is authorized to issue detailed provisions concerning the contents of an application.

Section 10. In the procedures relating to the registration of a trademark, the applicant shall, where the Registration Authority so considers necessary, describe the trademark in writing and indicate what, according to the opinion of the applicant, are the characteristic features of the mark.

In the procedures for the registration of the shape of an item, the applicant shall, where the Registration Authority so considers necessary, file copies of the shape to be kept by the Authority. The Authority may, in specific cases, admit that pictures are filed in a format larger than what is provided for in Section 9, second paragraph.

Section 11. An opposition under Article 20, second paragraph, of the Trademarks Act shall contain

1. the name or trade name, and the mailing address, of the opponent,
2. where the opponent is represented by a representative, the name and mailing address of the representative, and
3. indications of the circumstances which are invoked as a basis for the opposition.

The opposition shall be signed by the opponent or his representative. The opposition and other documents invoked shall be filed in two copies.

Section 12. An application for renewal of a registration shall contain

1. the name or trade name, and the mailing address, of the applicant,
2. indications referred to in Section 9, first paragraph, item 2, where a change has been made concerning those circumstances,
3. indications of the limitations in the protection which the applicant may want to make and, in such a case, the class, or those classes, of goods or services that the registration thereafter will, according to the applicant, cover.

To the application shall be attached

- a) a document which attests the right of the applicant in the mark, where the applicant is someone else than the owner,
- b) where the application concerns a figurative mark, separate reproductions of the mark in at least ten copies in a format which does not exceed 8 times 8 centimetres.

Section 13. An application for an alteration of a registered trademark according to Article 24 of the Trademarks Act shall contain

1. the name or trade name, and the mailing address, of the applicant,
2. indications referred to in Article 9, first paragraph, item 2, where a change has been made concerning those circumstances,
3. a clear indication of the alteration in the mark that the applicant wants to be made.

To the application shall be attached

- a) where the applicant is someone else than the person who is recorded in the register as the owner of the mark, a document attesting the right of the owner in the mark.
- b) where the application concerns a figurative mark or a shape, separate pictures of the mark in the format and the number of copies indicated in Section 9, second paragraph.

A registration of a trademark which concerns several goods or services may be divided into two or more registrations between which the initial goods and services are distributed. Those registrations shall have the same filing date and the same priority as the original registration.

Section 14. An application for recordal in the register of an assignment or another transfer of the right in a registered trademark shall contain the indications referred to in Section 9, first paragraph, items 1. and 2. concerning an application for registration. Where the applicant is someone else than the new owner, the application shall also contain his approval of the action requested.

To the application shall be attached

a) a document which proves the assignment of the right in the mark and where it is also indicated whether the transfer has taken place with or without a transfer of the business activity to which the trademark belongs,

b) a certificate of country of origin, emanating from the country where the mark has been registered, according to provisions prescribed by virtue of Article 29 of the Trademarks Act.

Section 15. An application for recordal in the register of a license of the right in a registered trademark may be made by the owner of the trademark or by the licensee. The application shall contain an indication of the name or trade name, and the mailing address, of the licensee and the date of the license agreement. Where the applicant requests a recordal of the fact that the licensee's right is limited, the application shall contain also an indication of this limitation.

To the application shall be attached the license agreement between the owner of the trademark and the licensee, in original or in a certified copy, or in the form of a certified extract from the document.

On the Proceedings in Trademark Cases

Section 16. Where the applicant requests priority under Article 18 of the Trademarks Act from the date when the mark was exhibited for the first time in an international exhibition, he shall make the request in this respect before the registration is granted. To the request shall be attached the documentation that the applicant wants to invoke in proof of the fact that the exhibition is to be considered as international.

Section 17. Where an opposition has been filed against a registration, the Registration Authority shall inform the owner of the registration of the opposition and give him an opportunity to be heard.

Section 18. As regards the procedures in cases concerning the removal of a trademark from the register and concerning registration cases as referred to in Articles 24, 33 and 34 of the Trademarks Act, the provisions of Article 19 of the same Act concerning the examination of an application for registration shall apply mutatis mutandis.

Where the owner of a trademark requests its removal from the register and a license agreement is recorded in the register, the licensee shall be informed about the request and given a reasonable time to take care of his interests in the case.

Section 19. The Registration Authority shall, against a fee to be determined by the Authority, reply to questions from the public whether a trademark is registered or not. As regards trademarks other than word marks this shall, however, apply only where a reply can be provided without a more extensive search.

On the Publication of Notices

Section 20. Publication of notices under the Trademarks Act and the Collective Marks Act shall be effected in a Gazette issued by the Registration Authority especially for the purpose.

Section 21. The publication of a notice concerning a registration according to Article 20, first paragraph, of the Trademarks Act shall contain a reproduction of the mark or, where the mark is a word mark, the word that has been recorded, and the indications mentioned in Section 3, second paragraph.

Where a description of a figurative mark has been requested according to Section 10 of this Regulation, the description may be included in the notice.

Where the applicant has requested priority according to Articles 18 or 30 of the Trademarks Act or has requested a mark to be registered as it is registered in another State according to Article 29 of the Trademarks Act, this fact shall be included in the notice.

In the notice shall also be mentioned that anyone wanting to oppose the registration shall do so in writing to the Registration Authority within two months from the date of the publication of the notice and that the opposition shall have the contents prescribed in Section 11.

On Fees

Section 22. For the filing an application in a trademark case a fee shall be paid to an amount indicated below.

<u>Type of matter</u>	<u>Swedish Crowns</u>
Application for registration	
a) for protection in one class of a trademark other than a collective mark	1 200
b) for protection in one class of a collective mark	400
c) for each class in addition to the first one	500
Application for division of an application for registration; for each new divided application	1 200
Application for the division of a registration, for each new divided registration	500
For each application for registration, new divided application for registration or new divided registration concerning a mark containing figurative elements or where it is requested that it be registered in specifically designed characters, to be added	200
Application for renewal	
a) for protection in one class of a mark other than a collective mark	1 200
b) for protection in one class of a collective mark	1 500
c) for each class in addition to the first one	600

Type of matter

Swedish Crowns

Where renewal is applied for after the expiry of the registration period, to be added, for each class	150
Application for alteration of a registered trademark	150
however, for an application in connection with renewal	100
Application for recordal of a new owner, for each recordal of ownership	100
however, for an application in connection with renewal or alteration	-
Application for recordal of a license	100

On Special Actions

Section 26. Actions referred to in Articles 26, first paragraph, and 35, third paragraph, of the Trademarks Act, as well as in Article 5 of the Collective Marks Act shall be brought by a public prosecutor where the Government does not, for specific cases, appoint another authority.

Section 27. Further provisions on the classification of figurative elements in marks are prescribed by the Patent and Registration Office.

THE MINISTRY OF JUSTICE
Stockholm

REGULATION

AMENDING THE TRADEMARK REGULATION (1960:648)

(Swedish Statute Book 1995:1279, of December 7, 1995).

The Government prescribes, as regards the Trademark Regulation (1960:648),
that Articles 6, 7, 15 and 24 shall read as follows,
that in the Regulation shall be inserted three new Sections, numbered 27 to 29, and, immediately before Section 27, a new heading, reading as follows.

Section 6. Any entry of an assignment or a license relating to a trademark under Articles 33 or 34 of the Trademarks Act shall contain the name or trade name, and mailing address, of the new owner or licensee and an indication of the date of the agreement concerning the assignment or the license. Where the applicant so requests, an indication shall be entered concerning limitations of the licensee's rights.

Where a question concerning an entry of an assignment or a license can not be decided immediately, an indication shall nevertheless be inserted into the Register that such an entry has been requested.

A notice shall, upon request, be entered into the Trademark Register where property referred to in Article 34 a of the Trademarks Act has been sequestered, seized or kept for securing payment of a debt.

A registration according to Article 23 b of the Trademarks Act shall contain an indication of the name and the mailing address of the pledgee and of the date of the pledge, the date of the application for registration and the date of the decision on the registration.

Section 7. An application in a trademark matter shall be filed in writing and be signed by the applicant or his representative. The application shall be in the Swedish language unless the Registration Authority, in a specific case, admits otherwise. Where an annex to an application is in a language other than Swedish, the applicant shall file also a certified translation of the annex, where the Registration Authority so requests.

Anyone filing an application shall pay a fee as prescribed in Section 24.

An application concerning several goods or services may be divided into two or more applications among which the initial goods or services are distributed. These applications shall have the same filing date and the same priority as the original application.

Section 15. An application for recordal in the register of a license of the right in a registered trademark may be made by the owner of the trademark or by the licensee. The application shall contain an indication of the name or trade name, and the mailing address, of the licensee and the date of the license agreement. Where the applicant requests a recordal of the fact that the licensee's right is limited, the application shall contain also an indication of this limitation.

To the application shall be attached the license agreement between the owner of the trademark and the licensee, in original or in a certified copy, or in the form of a certified extract from the document.

An application for the registration of a pledge according to Article 34 b of the Trademarks Act shall contain an indication of the name or trade name, and the mailing address, of the pledgee and the date of the pledge.

To the application shall be attached the pledge agreement in original or in a certified copy.

Section 24. For the filing an application in a trademark matter a fee shall be paid with an amount indicated below.

<u>Type of matter</u>	<u>Swedish Crowns</u>
Application for registration	
a) for protection in one class of a trademark other than a collective mark	1 200
b) for protection in one class of a collective mark	1 400
c) for each class in addition to the first one	500
Application for division of an application for registration; for each new divided application	1 200
Application for the division of a registration, for each new divided registration	500
For each application for registration, new divided application for registration or new divided registration concerning a mark containing figurative elements or where it is requested that it be registered in specifically designed characters, to be added	200
Application for renewal	
a) for protection in one class of a mark other than a collective mark	1 200
b) for protection in one class of a collective mark	1 500
c) for each class in addition to the first one	600
Where renewal is applied for after the expiry of the registration period, to be added, for each class	150
Application for alteration of a registered trademark	150
however, for an application in connection with renewal	100
Application for recordal of a new owner, for each recordal of ownership	100
however, for an application in connection with renewal or alteration	-
Application for recordal of a license	100
Application for registration according to Article 34 b of the Trademarks Act	300

On Community Trade Marks

Section 27. In matters relating to the Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark fees shall be paid to the Patent and Registration Office with the amounts indicated below.

<u>Type of matter.</u>	<u>Swedish Crowns</u>
Application for a Community trade mark according to Article 25.1.b) of the Council Regulation on the Community trade mark	300
Application for registration transmitted to the Patent and Registration Office according to Articles 109 and 110 of the Council Regulation.	
a) for protection in one class of a mark other than a collective mark	1 200
b) for protection in one class of a collective mark	1 400
c) for protection in one class in addition to the first one	500
Application for division of an application for registration, for each new divided application	1 200
Application for division of a registration, for each new divided registration	500
For each application for registration, divided application for registration or divided registration relating to a mark containing a figurative element or where it is requested that it be registered in specifically designed characters, to be added	200
Certificate according to Article 89.3 of the Council Regulation	300

Section 28. The Patent and Registration Office shall establish examination reports as referred to in Article 39.2 of the Council Regulation on the Community trade mark.

Section 29. The Patent and Registration Office shall be the competent Swedish authority for the verification of decisions according to Article 81.6 of the Council Regulation on the Community trade mark.

This Regulation enters into force on January 1, 1996