



**Application of Article 6*bis* of the Paris Convention in Selected  
Europe and Central Asia Jurisdictions**

**A Report prepared by the Famous and Well-Known Marks Committee—  
Europe and Central Asia Subcommittee**

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## INTRODUCTION

The purpose of this report is to investigate the implementation of Article 6*bis* of the Paris Convention, which protects famous and well-known trademarks. It provides as follows:

### **Article 6*bis*** **Marks: Well-Known Marks**

*(1) The countries of the Union undertake, ex officio if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well-known in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.*

*(2) A period of at least five years from the date of registration shall be allowed for requesting the cancellation of such a mark. The countries of the Union may provide for a period within which the prohibition of use must be requested.*

*(3) No time limit shall be fixed for requesting the cancellation or the prohibition of the use of marks registered or used in bad faith.*

Its implementation is not uniform and the following survey across a range of European countries provides trademark owners and practitioners with some practical details regarding its implementation. This includes topics such as: when Article 6*bis* will impact (mostly in opposition and infringement contexts as so many countries no longer examine trademark applicants on relative grounds); if and how the WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks are applied; and whether the mark must be known locally or globally and by the relevant general public. This report also examines where protection extends to third-party marks relating to dissimilar goods and services, and nontrademark uses (business names, domain names, etc.).

*This report addresses the following questions:*

1. In your country, does Art. 6*bis* have direct effect, or has it been transposed into domestic law (either as a ground of protection for well-known marks, as a ground for refusal of marks that are similar to a well-known mark, or as a ground for opposition)?
2. In your legal system, can the filing of a trademark registration be refused on absolute grounds because of conflict with a 6*bis* trademark (i.e., *ex officio*), or must the invalidity of such a registration be invoked by an interested party?
3. In order for a mark to qualify for protection under Art. 6*bis*, it must be well-known to the public.
  - In your jurisdiction, do the ordinary rules and principles for determining the relevant public apply, or are the requirements stricter when it comes to the protection of well-known trademarks?
  - What are the effects of Article 16(2) TRIPs on the required size or portion of the public to whom the mark must be well-known under your domestic law?

- The WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks, issued in 1999, contains a list of factors that should be taken into account in determining the relevant sector of the public (art. 2(2)). Are these factors, and/or explanatory notes that accompany them, taken into consideration in your jurisdiction?
4. In your legal system, in order for a trademark to be protected by Art. 6bis, does it suffice for the mark to be well-known to the domestic public, or must it be well-known globally? May a trademark be considered well-known on the basis of global notoriety even if it is not well-known among the domestic public?
  5. In order for a mark to qualify for protection under Art. 6bis, it must also have a certain degree of notoriety among the relevant or general public.
    - In your jurisdiction, how does the standard of notoriety for protection on the basis of Art. 6bis compare to the protection of reputed trademarks under domestic trademark law?
    - Is it required that the trademark has been used to some degree in the country for which protection is sought?
    - The WIPO Recommendation contains a number of factors that should be taken into account in determining whether a trademark is a well-known mark (art. 2(1)). Are these factors taken into consideration in your jurisdiction?
  6. In your legal system, is it required that the trademark is protected or registered in a member state of the Paris Union (other than the state for which protection is sought) in order to qualify for protection under Art. 6bis?
  7. What are the effects of Article 16(3) TRIPs for the protection of well-known trademarks used for dissimilar goods and services in your country?
  8. What is the scope of protection afforded to well-known marks in your jurisdiction?
    - Is the form of use of the allegedly infringing mark relevant (e.g., as trademark, business identifier, and/or domain name)?
    - Is there any effect in practice of the WIPO Recommendation (especially arts. 3 through 6) in this regard?
  9. In your country, is protection under Art. 6bis granted frequently? If no precise data are available, please give an estimate instead (for opposition proceedings and infringement proceedings). Are there any leading cases addressing a point of law concerning the protection of well-known marks?

The countries/jurisdictions surveyed were:

Albania	Czech Republic	Greece	Liechtenstein	Romania
Armenia	Denmark	Hungary	Netherlands	Russia
Belgium	Finland	Italy	Norway	Sweden
Bosnia	France	Ireland	Poland	Switzerland
Croatia	Germany	Jersey	Portugal	Turkey
				United Kingdom

We found that the application of Art. 6*bis* was by no means uniform. Sometimes this has to do with the local practice on absolute and relative grounds examination, but other differences are more fundamental, such as the mark being well-known domestically versus overseas, or registered in another Paris territory. In most places, the WIPO Recommendation was taken into account or used as (or as part of) guidelines, or similar factors applied, but not all.

This report was prepared by a dedicated Working Group of the 2016–2017 Famous and Well-Known Marks Committee—Europe and Central Asia Subcommittee. The Working Group was comprised of the following members:

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# Q1

**In your country, does Art. 6bis have direct effect, or has it been transposed into domestic law (either as a ground of protection for well-known marks, as a ground for refusal of marks that are similar to a well-known mark, or as a ground for opposition)?**

	<b>Have direct effect?</b>	<b>Transposed into domestic law?</b>	<b>Protection for well-known marks? (i.e., for use in an infringement claim)</b>	<b>Refusal of marks similar to well-known marks by the office?</b>
Albania	No	Yes	Yes – domestic law	No – will not be raised by the office
Armenia	Yes	Yes	Yes	No
Belgium	Yes	Yes	Domestic law	No – will not be raised by the office
Bosnia	No	Yes	Domestic law	No – will not be raised by the office
Croatia	No	Yes	Domestic law	No – will not be raised by the office
Czech Republic	No	Yes	Yes	No – will not be raised by the office
Denmark	No	Yes	Domestic law	Yes
Finland	No	Yes	Yes	No
France	No	Yes	Domestic law	No – will not be raised by the office
Germany	No	Yes	Domestic law	Yes
Greece	Yes	Yes	Yes	Yes
Hungary	No	Yes	Domestic law	No – will not be raised by the office
Italy	Yes	No	Domestic law	No – will not be raised by the office
Ireland	No	Yes	Yes	Yes
Jersey	No	Yes	Yes	Yes
Liechtenstein	No	Yes	Yes	Yes
Netherlands	Yes	Yes	Yes – direct effect	No
Norway	No	Yes	Yes	Yes, but not applied by the office
Poland	No	Yes	Yes	No, after April 15, 2016
Portugal	No	Yes	Yes	Yes
Romania	Yes	Yes	Yes	No – will not be raised by the office
Russia	Yes	Yes	Yes	Yes
Sweden	No	Yes	Yes	No
Switzerland	No	Yes	Yes	Yes – but <i>ex officio</i> by the Patent Office
Turkey	No	Domestic law	Yes	Yes, applied rarely
United Kingdom	No	Yes	Yes	Yes

**Comments:**

In the majority of countries, Art. 6bis has been transposed into domestic law. Most no longer have relative grounds examination so it must be raised in an opposition.

## Q2

	In your legal system, can the filing of a trademark registration be refused on absolute grounds because of conflict with a <i>6bis</i> trademark (i.e., <i>ex officio</i> ), or must the invalidity of such a registration be invoked by an interested party?	
	Refused on absolute grounds because of conflict with a <i>6bis</i> trademark (i.e., <i>ex officio</i> )?	Invalidity of such a registration be invoked by an interested party?
Albania	No	Yes
Armenia	No	Yes – invoked by an interested third party
Belgium	No	Yes
Bosnia	No	Yes (both opposition and invalidity)
Croatia	No	Yes (both opposition and invalidity)
Czech Republic	No	Yes (both opposition and invalidity)
Denmark	No	Yes
Finland	No	Yes
France	No	No (the French IPO does not refuse registration based on prior rights)
Germany	Yes	No
Greece	Yes	Yes – may be invoked for invalidity
Hungary	No	Yes
Italy	No	Yes
Ireland	No	Invoked by an interested party – a relative ground for refusal under Section 10 of the Irish Trade Marks Act 1996 at opposition or invalidity
Jersey	No	Invoked by an interested party to challenge the validity of a registration
Liechtenstein	No	Yes – invoked by an interested third party
Netherlands	No	Yes
Norway	Yes, but never applied by the office	Yes (both opposition and invalidity)
Poland	No, after April 15, 2016	Yes (both opposition and invalidity)
Portugal	Yes	Yes – can be invoked by an interested third party or by the Patent Office <i>ex officio</i>
Romania	No	Yes (both opposition and invalidity)
Russia	Yes	No
Sweden	No	Yes – invoked by an interested third party
Switzerland	No	Yes – invoked by a third party under opposition
Turkey	Yes, rarely	Yes

United Kingdom	No	Invoked by an interested party – a relative ground for refusal under Section 5 of the UK Trade Marks Act 1994
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<b>Comments:</b>	Generally, the invalidity of a registration in conflict with a <i>6bis</i> trademark must be invoked by an interested party and is not refused on absolute grounds by a country's intellectual property office. However, this is not true for Germany, Greece, Norway, Portugal, Russia, or Turkey, where such a registration can be refused on absolute grounds because of a <i>6bis</i> trademark. This is rare in Turkey, and in Norway this is never actually applied.	
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### Q3

In order for a mark to qualify for protection under Art. 6bis, it must be “well-known to the public.”			
	a) In your jurisdiction, do the ordinary rules and principles for determining the relevant public apply, or are the requirements stricter when it comes to the protection of well-known trademarks?	b) What are the effects of Article 16(2) TRIPs on the required size or portion of the public to whom the mark must be well-known under your domestic law?	c) The WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks, issued in 1999, contains a list of factors that should be taken into account in determining the relevant sector of the public (art. 2(2)). Are these factors, and/or explanatory notes that accompany them, taken into consideration in your jurisdiction? (Y/N)
Albania	Ordinary rules apply	No effect	Yes
Armenia	Stricter rules – must apply to the Board of Appeals for recognition as a well-known mark together with supporting documentation and payment of an official fee	No effect	Yes – domestic law harmonized with the Paris Convention
Belgium	Ordinary rules	No effect	Yes
Bosnia	Ordinary rules	Effect – the mark must be known to a relevant sector of the public	Yes
Croatia	Ordinary rules	Effect – the mark must be known to a relevant sector of the local public	Yes
Czech Republic	Ordinary rules	No effect – no specific size or portion of public; instead must prove duration, extent, and geographic area of use of the mark	Yes
Denmark	Ordinary rules	No effect – it depends on the trademark and on the additional documentation filed at the PTO	Yes
Finland	Stricter rules apply. Must be known to the wider public	Mark must be known to the relevant public. Spillover effect from international advertising is taken into account	No direct effect but similar factors are applied
France	Ordinary rules	No effect	Yes
Germany	Ordinary rules	Effect – the mark must be known to a relevant sector of the local public	No
Greece	Ordinary rules	No effect	No direct effect but similar factors are applied
Hungary	Ordinary rules	Effect – the mark must be known to a	Yes

		relevant sector of the local public	
Italy	Ordinary rules	Effect – the mark must be known to a relevant sector of the local public	Yes
Ireland	Ordinary rules	No effect	No direct effect but can be referenced in proceedings on a case-by-case basis as guidelines
Jersey	Recognition must be substantial part of the population	No effect	Use as guidelines only. Cited in UK case law, not local cases
Liechtenstein	Stricter rules apply – mark must be notoriously well-known to the public	No effect	Courts will take into account – de facto binding
Netherlands	Ordinary rules	Effect – the mark must be known to the relevant public	No direct effect but similar factors are applied
Norway	Ordinary rules	No effect – no specific size or portion of public; the trademark must be well-known in the country	Yes
Poland	Ordinary rules	Effect – if a mark is recognized by the majority of its potential customers, i.e., it is recognized in a predominant part of the territory by more than 50% of customers, it is regarded as commonly known	Yes
Portugal	Ordinary rules	No effect	Yes
Romania	Ordinary rules	Effect – the mark must be known to relevant sector of local public	Yes
Russia	Surveys must be conducted among targeted consumers; the survey shall be conducted in 6 major Russian population centers with a total number of respondents not fewer than 1,500 persons	Effect – the mark must be known to relevant sector of local public	Yes
Sweden	Ordinary rules apply	Effect – the mark must be known to a relevant sector of the public (approx. a third of the relevant public)	Yes
Switzerland	Ordinary rules	No effect	Yes
Turkey	Ordinary rules	Effect – the mark must be known to relevant sector of local public	Yes
United Kingdom	Ordinary rules apply	No effect	Yes – they have been applied by the UK courts but are dependent on the facts of each case

<p><b>Comments:</b></p>	<p>The ordinary rules for determining the relevant sector of the public apply in most of the countries questioned. In Armenia and Finland, well-known marks must be known to the wider public</p>	<p>Most of the countries covered do not have a set requirement of the size/portion of the public to whom the mark must be well-known; generally, it needs to be known by the relevant sector of the local public. However, in Poland, the mark must be known to 50% plus of the relevant public, and in Sweden, at least of third of the relevant public must know the mark</p>	<p>The majority of countries questioned state that the WIPO Recommendation is taken into consideration in their jurisdiction and in the remainder or similar factors are applied</p>
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## Q4

	In your legal system, in order for a trademark to be protected by Art. 6bis, does it suffice for the mark to be well-known to the domestic public, or must it be well-known globally? May a trademark be considered well-known on the basis of global notoriety even if it is not well-known among the domestic public?	
	Suffice for mark to be known to domestic public or must be known to global public? (Y/N)	Can global notoriety count even if it is not known domestically? (Y/N)
Albania	Yes – known to the domestic public	No – must be known in Albania
Armenia	Yes – known to the domestic public	No – must be known in Armenia
Belgium	Yes – known to the domestic public	No – must be known in Belgium
Bosnia	Yes – known to the domestic public	No – must be known in Bosnia
Croatia	Yes – known to the domestic public	No – must be known in Croatia
Czech Republic	Sufficient – proving the trademark is well-known to the domestic public	Insufficient – may be considered well-known on the basis of the global notoriety even if it is not properly used in the Czech Republic. Nevertheless, the owner has to prove that its sign is well-known among the domestic public
Denmark	Yes – sufficient to be known to the domestic public	No – must be known in Denmark
Finland	Yes – known to the domestic public	No – must be known in Finland
France	No – must be known both by the domestic public and globally	No – must be known in the territory in which protection is requested
Germany	Yes – known to the domestic public	No – must be known in Germany
Greece	Yes – domestic public, even if never used in Greece	No – must be known in Greece
Hungary	Yes – known to the domestic public	No – must be known in Hungary
Italy	Yes – known to the domestic public	No – must be known in Italy
Ireland	Yes – must be known in Ireland but need not have a business in Ireland	No – must be known in Ireland
Jersey	Yes – must be known to the local public	No – must be known to local public
Liechtenstein	Sufficient to be known to local public	Yes – can be protected if well-known globally but not domestically
Netherlands	Yes – domestic public, even if never used in the Netherlands	No
Norway	Sufficient – proving the trademark is well-known to the domestic public	Insufficient – cannot be considered well-known on the basis of global notoriety if it is not well-known among the domestic public
Poland	Sufficient – proving the trademark is well-known to the domestic public	No – global notoriety without knowledge of the mark among relevant customers in Poland doesn't qualify for the protection
Portugal	Yes	No
Romania	Sufficient – proving the trademark is well-known to the	Insufficient – cannot be considered well-known on the basis of

	domestic public	global notoriety if it is not well-known among the domestic public
Russia	Sufficient – proving the trademark is well-known to the domestic public	Insufficient – cannot be considered well-known on the basis of global notoriety if it is not well-known among the domestic public
Sweden	Yes – known to the domestic public	Yes – can be protected if well-known globally but not domestically
Switzerland	Yes – sufficient to be known in Switzerland. Likely required to be known to public of the three working languages (French, German, and Italian)	No – must be known in Switzerland
Turkey	Sufficient – proving the trademark is well-known to the domestic public	Insufficient – but might be considered well-known on the basis of global notoriety even if it is not well-known among the domestic public (depends on the grade of the well-known status)
United Kingdom	Yes – sufficient to be known to the UK public. Does not have to have goodwill or business in the UK.	No – must be known in the UK

<b>Comments:</b>	In all but one country questioned, it is sufficient for a mark to be well-known to the domestic public. (In France, it must also be known globally.) Only in Sweden, Turkey, and Liechtenstein can global notoriety be sufficient and count, even if a mark is not known domestically.	
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**Q5**

In order for a mark to qualify for protection under Art. 6 <i>bis</i> , it must also have a certain degree of notoriety among the relevant or general public.			
	a) In your jurisdiction, how does the standard of notoriety for protection on the basis of Art. 6 <i>bis</i> compare to the protection of reputed trademarks under domestic trademark law?	b) Is it required that the trademark has been used to some degree in the country for which protection is sought? (Y/N)	c) The WIPO Recommendation contains a number of factors that should be taken into account in determining whether a trademark is a well-known mark (art. 2(1)). Are these factors taken into consideration in your jurisdiction?
Albania	No difference	Yes	Yes
Armenia	No difference	Yes	Courts consider domestic law only, but domestic law is harmonized with the Paris Convention
Belgium	No difference	No	Yes
Bosnia	Difference – broader standard of notoriety: domestic law provides cross-class protection	Yes	Yes
Croatia	Difference – broader standard of notoriety: domestic law provides cross-class protection	Yes	Yes
Czech Republic	The well-known trademarks enjoy the same protection as the reputed trademarks	Yes – the scope of the use must exceed the local range	Yes
Denmark	No difference	No	Yes
Finland	The standard is stricter for well-known marks of Art. 6 <i>bis</i>	Usually, yes. In exceptional cases even without use	Yes. Similar factors are taken into account
France	Difference – broader standard of notoriety: mark must be well-known by a large part of public	Yes	Yes
Germany	Difference – generally notoriety has to be above standards for secondary meaning and reputed trademarks	Yes	No
Greece	The standard is stricter for	No	Not used to date – can be used as

	well-known marks of Art. 6bis		guidelines
Hungary	Difference – broader standard of notoriety	Yes	Yes
Italy	Broader standard of notoriety: domestic law provides cross-class protection	Yes	Yes
Ireland	No difference	No	Not used to date – can be used as guidelines
Jersey	No difference	No	Yes
Liechtenstein	Standards are higher	No	Considered by courts
Netherlands	No difference or slight at most	No	Not cited in court decisions to date, but similar criteria are used
Norway	Same or similar requirements are taken into consideration	If the trademark is not used within the country, it will affect the reputation of the trademark. However, it could be argued that the globalization has made it possible for foreign trademarks to become well-known in Norway without actually being used in Norway	Yes
Poland	Same requirements are taken into consideration	Yes – the trademark has to be used in Poland	Yes
Portugal	Reputed marks enjoy broader protection. Well-known marks must be known by the public interested in the goods and by the general public	No	Yes
Romania	The well-known trademarks enjoy the same protection as the reputed trademarks	Yes, as principle, for Art. 6bis it must be assessed that the trademark has been used in a substantial part of the territory	Yes
Russia	The well-known trademarks enjoy the same protection as the reputed trademarks	Yes – mandatory requirements for obtaining well-known protection by extensive use in Russia	Yes
Sweden	No difference	No	Yes
Switzerland	Difference – must have 50% recognition	No	Yes
Turkey	Same requirements are taken into consideration	No, it is not absolutely necessary that the trademark has been used in Turkey to obtain a protection but in case the trademark is proven to be well-known in its country of origin, it may be protected as well-known in Turkey as well	Yes
United Kingdom	No difference	No	Yes – but as guidelines not

			preconditions
<b>Comments:</b>	Where the standard of notoriety for protection on the basis of Art. 6 <i>bis</i> is different from the protection of reputed trademarks under domestic law, the protection is generally broader for reputed marks; for example, in Bosnia, Croatia, or the Netherlands, the domestic law allows for cross-class protection.	As some countries do not require a mark to be used domestically in order to be protected and some countries do, there is no consensus or pattern on this subject.	In most countries the WIPO Recommendation is taken into account when deciding if a mark is well-known. Only in Germany and the Netherlands are they not, although the Netherlands states that they can be applied in the courts. In Greece and Ireland, they have not been used to date, but could be used as guidelines.

**Q6**

**In your legal system, is it required that the trademark be protected or registered in a member state of the Paris Union (other than the state for which protection is sought) in order to qualify for protection under Art. 6bis?**

Albania	No
Armenia	No
Belgium	No
Bosnia	No
Croatia	No
Czech Republic	No
Denmark	No
Finland	No
France	No
Germany	No
Greece	No
Hungary	No
Italy	No
Ireland	No
Jersey	Yes – must be the mark of a person who is a national, or domiciled, or has real and effective industrial and commercial establishment in a convention or member country
Liechtenstein	Yes
Netherlands	No, but a court decision suggests differently (Hague Court of Appeal, Apr. 27, 2000, IER 2000/47)
Norway	No
Poland	No
Portugal	No
Romania	No
Russia	No
Sweden	No
Switzerland	Yes – must be protected abroad
Turkey	No
United Kingdom	No

**Comments:**

Only in the legal systems of Switzerland, Jersey, and Liechtenstein is it required that a trademark be protected or registered in another member state of the Paris Union in order to qualify for protection under Art. 6bis.

## Q7

**What are the effects of Article 16(3) TRIPs for the protection of well-known trademarks used for dissimilar goods and services in your country?**

Albania	No effect
Armenia	It can be used to protect well-known marks. Article 16(3) has direct effect in Armenia
Belgium	It can be used to protect a well-known mark
Bosnia	It can be used to protect a well-known mark
Croatia	It can be used to protect a well-known mark
Czech Republic	The earlier well-known trademark in the Czech Republic would suggest a relationship between the goods or services and the proprietor of the earlier well-known trademark
Denmark	It can be used to protect a well-known mark
Finland	It can be used to oppose the registration of a trademark
France	It can be used to protect a well-known mark
Germany	It can be used to protect a well-known mark
Greece	It can be used to oppose the registration of a trademark
Hungary	No effect
Italy	It can be used to protect a well-known mark
Ireland	It can be used as a basis to oppose a trademark
Jersey	It can be used to challenge the validity of an identical or similar mark for identical or similar goods and services only
Liechtenstein	No effect – no published case law on this specific aspect
Netherlands	It can be used to oppose the registration of a trademark
Norway	Prevent third parties from using marks which are likely to rub off the goodwill of the well-known trademark even if the third party is using its trademark for dissimilar goods
Poland	A right of protection shall not be granted for a trademark if its use without due cause would bring unfair advantage to the applicant or be detrimental to the distinctive character or the repute of the earlier trademark
Portugal	It can be used to challenge the validity of an identical or similar mark for identical or similar goods and services only
Romania	By the use of the subsequent trademark, unfair advantage would be taken of the distinctive character or the reputation of the earlier trademark or such a use would be detrimental to the distinctive character or reputation of the earlier trademark
Russia	The use of this well-known trademark by third party may be associated by consumers with the well-known trademark and negatively affect the interests of the well-known trademark owner
Sweden	It can be used to oppose the registration of a trademark
Switzerland	Cannot be used for protection of well-known mark. Can be used to protect famous mark
Turkey	Where the use without due cause of the trademark filed for registration would take unfair advantage of or be detrimental to the distinctive character or reputation of the registered trademark or of the trademark with an earlier application date, on opposition from the proprietor of the earlier trademark the trademark applied for shall not be registered, even for use in connection with goods or services that are not similar to those for which the earlier trademark is registered. <b>But</b> , the previous trademark <b>should be registered</b> and well-known in order to be protected for even different goods and services.

United Kingdom	It can be used to oppose the registration of a trademark
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<b>Comments:</b>	In the majority of countries, Art. 6 <i>bis</i> does protect well-known marks used for dissimilar goods or services. However, in Poland, Turkey, and Romania this is only the case if there is also evidence of unfair advantage, and in Portugal the goods/services must be identical or similar. Only in Albania, Hungary, and Liechtenstein will a well-known mark not be protected if it is in a similar class to the allegedly infringing mark.
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## Q8

What is the scope of protection afforded to well-known marks in your jurisdiction?		
	a) Is the form of use of the allegedly infringing mark relevant (e.g., as trademark, business identifier, and/or domain name)? (Y/N)	b) Is there any effect in practice of the WIPO Recommendation (especially arts. 3 through 6) in this regard? (Y/N)
Albania	Yes – the form of use is relevant. It must be used as a trademark, a business identifier, or a domain name	Yes – WIPO Recommendation is considered by the courts and by the Albanian Intellectual Property Office's Board of Appeal
Armenia	No – any use of the mark is relevant; for example, trademark use, business identifier, domain names, etc.	Applied by the courts
Belgium	Same as protection for a registered mark	Not to date
Bosnia	Yes – Art. 6 <i>bis</i> only applies to trademarks	Not to date
Croatia	Yes – Art. 6 <i>bis</i> only applies to trademarks	Not to date
Czech Republic	Yes	Yes
Denmark	No – the form of use is irrelevant	Yes
Finland	Yes – must be used in a trademark sense, as a business identifier or a domain name	Yes
France	No – as long as there is a trademark function	Yes
Germany	Yes – use of a business identifier, domain name, etc., must still be considered a use in a trademark manner	No
Greece	Yes – must be used as a trademark, a business identifier, or a domain name	No
Hungary	The form of use is relevant only in order to choose the best enforcement action to take	Yes
Italy	No	Yes
Ireland	Yes – protection only applies to trademark use	No reference to this to date.
Jersey	Yes – must be used in a trademark sense, as a business identifier or a domain name	No.
Liechtenstein	No	Yes – considered by courts
Netherlands	Yes – must be used as a trademark, a business identifier, or a domain name	No
Norway	No – no one may use a sign if the use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or repute (goodwill) of the well-known trademark	Yes
Poland	No – the well-known marks are protected also against the dilution and parasitic use under the Unfair Competition Law. The form of use of the allegedly infringing mark can be different but it has to be used in the course of trade by an entrepreneur or a company	Yes
Portugal	Yes – any use in commerce of the infringing trademark	Yes
Romania	No – it must be proved that such sign may be considered as having the same	Yes

	origin as the well-known trademark	
Russia	No	Yes
Sweden	Yes – protection only applies to trademark use, trade name, and domain name	Yes
Switzerland	Yes – only applies to trademarks	No
Turkey	If the trademark is registered, the form of use of the allegedly infringing mark is not relevant. If the well-known mark is not registered, the owner can only prevent third parties' registration by filing oppositions but cannot file any infringement actions against them	Yes
United Kingdom	Yes – protection only applies to trademark use	No – has not been applied to date in the UK

<b>Comments:</b>	Where the form of use of the allegedly infringing mark is relevant in a country, it must be in the form of a trademark. Otherwise, the form does not matter.	With regard to the scope of protection afforded to well-known marks in each country's jurisdiction, many of them affected the WIPO Recommendation while others did not. Some countries were not aware or did not answer.
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**Q9**

In your country, is protection under Art. 6bis granted frequently? If no precise data are available, please give an estimate instead.			
	a) In opposition proceedings?	b) In infringement proceedings?	c) Are there any leading cases addressing a point of law concerning the protection of well-known marks? (Y/N)
Albania	Rare	Rare	Yes – an Italian company holding the unregistered trademark “FIAMM” vs. an Albanian company holding the registered marks “FIAMM” and “FIAM” (2012)
Armenia	Rare – 48 registered well-known marks in Armenia to date, no records of enforcement of these rights	Rare – 48 registered well-known marks in Armenia to date, no records of enforcement of these rights.	No
Belgium	Yes, depending on evidence presented	Yes, depending on evidence presented	Yes
Bosnia	50%	30%	No
Croatia	80%	20%	No
Czech Republic	Rare	Rare	No
Denmark	Rare	Rare	No
Finland	Rare	Rare	Yes – Supreme Court KKO 1987:11, (Adidas) Supreme Court KKO 1985 II 85, Helsinki Court of Appeal HO 27.8.1996/4305 (JOKA KODIN PUTKIPOIKA = KODIN PUTKIMIES) HO 3.11.1994/5212
France	Rare	Rare	Yes – “Le Bon Cout” vs. “leboncoin.fr” (July 3, 2014)
Germany	Rare	Rare	Yes – BGH (Apr. 2, 1969), I ZR 47/67 Recrin, and LG Hamburg (May 5, 1999), 315 O 271/98
Greece	Rare	Rare	No
Hungary	Very rare – 1 or 2 cases since 2004	Very rare – 1 or 2 cases since 2004	No
Italy	Never on its own	Rare	No
Ireland	Rare	Rare	No recent cases – main case C&A Modes v C&A (Waterford) Limited (1978) FSR 126
Jersey	No – there is no provision to oppose an application	Rare – no infringement cases heard in Jersey in last ten years	Yes – Hotel Cipriani (Hotel Cipriani Srl & Ors v Cipriani (Grosvenor Street) Ltd & Ors [2010] EWCA Civ 110 (Feb. 24, 2010)) has legal effect in Jersey
Liechtenstein	Not common – oppositions taken only before the courts	Not common	No

Netherlands	Rare	Rare	Yes – SBS Broadcasting/Screentime (Rb Den Haag Oct. 2013, IER 2014/32) Hoge Raad (Supreme Court of the Netherlands) Case No. 12/04485 of December 20, 2013 (Wendy's International, Inc. vs X, trading as Wendy's) Van Hilst/The Jaguar Collection (BnGH June 24, 2010, NJ 2010/506) Jansen/Tilanus (Rb Almelo Oct. 31, 2007, IER 2008, 6) Marie Claire (Hof Den Haag Apr. 13, 2006, IER 2006, 58) King Corn (Hof Den Haag Apr. 27, 2000, IER 2000/47)
Norway	50% of the cases, where it is claimed and where evidence of such is provided	50% of the cases where it is claimed and where evidence of such is provided	Oslo District Court's judgement of Oct. 1, 2015, the court concluded that IR 914360 MAN (word mark) was well-known in Norway
Poland	No – well-known; yes – trademark with reputation	No – well-known; yes – trademark with reputation	Supreme Administrative Court in its decision of Mar. 4, 2009 (I CSK 335/08)
Portugal	60% of cases	50% of cases	Decision of the Supreme Court, July 13, 2010, file 3/05.9TYLSB.P1.S1 Decision of the Appeal Lisbon Court, Nov. 13, 2014, file 673/03.2TYLSB.L1-6
Romania	Rare	Rare	No
Russia	Not applicable due to the fact that Russian law does not envisage formal opposition	Rare	Case No. A41-47404/2015; SIP-180/2013; SIP-35/2014
Sweden	Rare	Rare	No
Switzerland	Rare	Rare	Case BGE 130 III 267, federal Supreme Court decision
Turkey	Frequent	Frequent (when the well-known trademark is also registered, not only used)	COCPIT-KOKPIT decision of the 11th Chamber of Turkish Court of Appeal (TCA); BLACK&DECKER decision of the 11th Chamber of the TCA; 2007/7160 E. and 2009/12579 K.
United Kingdom	Not regularly	Rare	Yes – Hotel Cipriani (Hotel Cipriani Srl & Ors v Cipriani (Grosvenor Street) Ltd & Ors [2010] EWCA Civ 110 (Feb. 24, 2010)) and three UK trade mark opposition cases
<b>Comments:</b>	Generally, protection under Art. 6bis in opposition and infringement proceedings is rare. However, it is more common in Bosnia, Croatia, the Netherlands, Portugal, and Turkey.		