

## More on the EU Trademark Reform

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### Legal Texts

The EU trademark system went through a major reform, which is captured in the following texts:

- The [EU Trade Mark Regulation](#) (EU) 2017/1001, referred as EUTMR, which includes EUIPO-related fees. The Regulation entered into force on March 23, 2016, with a few exceptions for some provisions to enter into force on October 1, 2017;
- The [European Union trade mark delegated regulation](#) (EU) 2018/625, referred as EUTMDR (secondary legislation);
- The [European Union trade mark implementing regulation](#) (EU) 2018/626, referred as EUTMIR (secondary legislation);
- The Directive approximating the laws of the Member States relating to trade marks (EU) 2015/2436 (the [Trade Marks Directive](#)), referred as EUTMD; and
- [EU Member States' national legislation](#) to implement the Directive at national level (see list below of INTA comments). Member States have until January 15, 2019 to implement the Directive into their national legislations and up to January 15, 2023 to introduce administrative cancellation proceedings.

The EU trademark reform consists of the revision of several elements:

- A recast of the 1989 Directive ([2008/95/EC](#)) approximating the laws of the Member States relating to national trademarks;
- A revision of the 1994 Regulation ([207/2009/EC](#)) on the Community trademark, which established the first EU-wide unitary IP right in the EU granted by the Office for Harmonization in the Internal Market (OHIM), now called the European Union Intellectual Property Office or [EUIPO](#); and

- A revision of the 1995 Commission Regulation ([2869/95](#)) on the fees payable to the EUIPO.

## Comparative Tools

Looking for an easy way to tell the differences between the former and new EU Trademark Regulation?

See [here](#) the EUIPO's color-coded comparison between Regulation (EU) 2017/1001 vs. Regulation (EC) 207/2009 (as amended). You can also find a summary of changes applying from October, 1 2017 prepared by the EUIPO [here](#).

## Articles on the Reform Content

See the EU Trademark Reform Series articles in the *INTA Bulletin*:

- [Where We Are, How We Got Here and What it Means for Users](#)
- [What Will it Change for Trademark Owners and Practitioners?](#)
- [The New Face of OHIM](#)
- [The Impact on Classification of Goods and Services](#)
- [New Administrative Procedures Available in Member States](#)
- [New Fair Use Provisions](#)
- [Implications for Nontraditional Marks](#)
- [Counterfeit Goods in Transit—How We Got Here and Our Next Steps](#)

## Background on the Legislative Process

INTA has been participating in the overall examination of the EU trademark system since the current review process began in May 2007, when EU Member States stated that there was a need to address OHIM's increasing budget surplus and to review the overall functioning of the EU trademark system. The European Commission commissioned a study to evaluate the current functioning of the system and assess improvement and (further) harmonization needs, which was carried out by the Max Planck Institute and published in 2011. In March 2013, the European Commission formally adopted its proposals to review the Regulation and the Directive. The European Parliament and the Council, as co-legislators, have reviewed the proposals and adopted compromise texts, which were published in the Official Journal of the EU on December 23 and 24, 2015.

## INTA's Actions & Comments

INTA, through various committees, has developed and advocated its policies and positions during all the stages of the law-making process and partnered with other associations and stakeholders as appropriate. INTA advocated for a more harmonized, modern and efficient trademark system for the benefit of trademark owners and consumers alike. INTA has been active on all the different studies, consultations and draft legislative proposals of the European Commission, Council and Parliament, and involved in countless meetings with government officials, given its expertise on

the subject matter. Contact H el ene Nicora, INTA Chief Representative Officer–Europe at [hnicora@inta.org](mailto:hnicora@inta.org) if you want to know more about INTA’s positions and comments.

## **Monitoring of Implementing Legislation at EU Member States National Level**

INTA is also monitoring the implementation of the reform, including at EU Member States level. Regarding the EU Trade Marks Directive, EU Member States had to implement it into their national legislation (‘transposition’) by January 14, 2019, with the notable exception of article 45 on “Procedure for revocation or declaration of invalidity”, for which the deadline is January 14, 2023.

### **Denmark**

On November 14, 2018, [INTA submitted comments Danish Patent and Trademark Office](#) on the draft statutory instrument on application, registration, etc. of trademarks, which aims to implement the Danish Trademark Act as amended by Directive (EU) 2015/2436.

On August 2, 2018, [INTA submitted comments to the Danish Patent and Trademark Office](#) on the draft amendments to the Danish Trademark Act implementing the EU Trade Marks Directive.

### **Finland**

On May 25, 2018, INTA submitted [comments](#) to Finland’s Ministry of Economic Affairs and Employment on provisions of the proposal for revision of the Finnish Trademarks Act, transposing the EU Trade Marks Directive into Finnish Legislation”.

### **France**

On February 27, 2019, [INTA submitted comments to the French Ministry of Economy and Finances](#) on the draft changes to the French Intellectual Property Code with a view to transposing the EU Trademark Directive.

### **Germany**

On February 24, 2017, [INTA submitted comments to German Federal Ministry of Justice and Consumer Protection](#) on its draft act to implement the EU Trade Marks Directive.

### **Greece**

On February 1, 2019, [INTA submitted comments to the Greek Ministry of Finance and Development](#) on the draft amendments to the Greek law concerning the implementation of the Trademark Directive and courts’ and administrative practices.

### **Hungary**

On August 22, 2018 [INTA submitted comments to the Hungarian Ministry of Justice](#) on the draft amendments to the Hungarian Trademark Act to implement the EU Trade Marks Directive.

On July 16, 2018 INTA submitted [comments to the Hungarian Intellectual Property Office](#) on the proposal for revision of the Hungarian Trademark Act, transposing the EU Trade Marks Directive into national legislation.

### **Norway**

On September 14, 2018 INTA submitted [comments to the Norwegian Intellectual Property Office](#) on the draft amendments to the Norwegian Trademark Act to implement the EU Trade Marks Directive.

### **Portugal**

On September 15, 2017, [INTA submitted comments to the Portuguese National Institute of Industrial Property](#) on the draft bill for the partial amendment of the Portuguese Industrial Property Code, aimed at implementing the EU Trade Marks Directive.

### **Spain**

On February 15, 2019 [INTA submitted comments to the Spanish Patent and Trademark Office](#) on the draft regulation implementing the amended Law 17/2001 on Trademarks which aimed to implement the EU Trade Marks Directive into Spanish legislation.

On July 18, 2017, INTA submitted [comments to the Spanish Patent and Trademark Office](#) on the draft bill to implement the EU Trade Marks Directive.

### **United Kingdom (before Brexit)**

On April 18, 2018, [INTA submitted comments to the UK National Institute of Industrial Property \(UKIPO\)](#) on the UKIPO public consultation on the EU Trademark Directive implementation.

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