

Track Changes

Track Changes

March 2020

TRADEMARK OPPOSITION SYSTEM INTRODUCED IN SERBIA

The new *Trademark Law* in Serbia was adopted by parliament on 24 January 2020, thereby replacing the former *Law on Trademarks of 2009* (as amended), which governed this area for more than 10 years. The key drivers for the adoption of the new law included the need to have trademark regulations aligned with EU Directives (2004/48/E3 and 2015/2436/EU) and the new national *Law on Administrative Proceedings*, as well as the need to have a more efficient system of trademark protection.

The most significant change to the law is the introduction of the long-awaited **trademark opposition system**. While the prerequisites for trademark registration remain generally the same as under the former regulation (noting that a sign, to be protected as a trademark, can now consist of any marks), the new *Trademark Law* differentiates between so-called absolute, relative and special reasons for refusal of trademark protection, stipulating the latter two as grounds for trademark opposition. Accordingly, similarity with a previously protected trademark, a well-known mark or a famous mark, an infringing similarity with copyright-protected works or other industrial property rights and/or similarity with the business name of a company, previously registered for operations (that may relate to goods/services for which a trademark application has been filed), may trigger trademark opposition.

The holder of an older right may file an opposition against a trademark application published in the Serbian Intellectual Property Bureau's Official Gazette within 3 months from said publication. Such an opposition, if grounded, may lead to the rejection of a trademark application in whole or in part by the Serbian Intellectual Property Bureau Office.

Sub-regulations necessary for the implementation of the new *Trademark Law* are yet to be adopted but are expected in the coming nine (9) months.

About WOLF THEISS

Wolf Theiss is one of the leading law firms in Central, Eastern and Southeastern Europe (CEE/SEE). We have built our reputation on a combination of unrivalled local knowledge and strong international capability. We opened our first office in Vienna over 60 years ago. Our team now brings together over 340 lawyers from a diverse range of backgrounds, working in offices in 13 countries throughout the CEE/SEE region.

For more information about our services, please contact:



Miroslav Stojanović
Partner
miroslav.stojanovic@wolftheiss.com



Nataša Lalović Marić
Partner
natasa.lalovic@wolftheiss.com

This memorandum has been prepared solely for the purpose of general information and is not a substitute for legal advice.

Therefore, WOLF THEISS accepts no responsibility if – in reliance on the information contained in this memorandum – you act, or fail to act, in any particular way.

If you would like to know more about the topics covered in this memorandum or our services in general, please get in touch with your usual WOLF THEISS contact or with:

Wolf Theiss
Schubertring 6
AT – 1010 Vienna

www.wolftheiss.com