

IMPORTANT AMENDMENTS TO THE ROMANIAN LAW ON TRADE MARKS

Since 09.05.2010 Law 84/1998 regarding trade marks has been amended and the new version has entered into force.

The new provisions are different from the previous applicable legal provisions in respect to the examination procedure of the requests for registration of a trade mark. Generally speaking, the **new procedure** is much more simplified and more time efficient (i.e. practically meaning that **a trade mark can now be finalized and the registration can occur within 2-3 months**).

According to those new legal provisions, **OSIM shall no longer analyze possible conflicts with previous registered trade marks**, which practically means that all requests for registration of trade marks shall be admitted provided that they only fulfill the formal requirements set by law (such as e.g. the requirement that they are non-distinctive, or the requirement that they do not contravene public order rules, etc.).

Provided that the registration fees and taxes are paid, **any request for registration of a trade mark shall be published in the Intellectual Property Bulletin (BOPI) within 7 days from the submission of the registration request.**

Within a period of 2 months from the publication in the BOPI, any interested party may oppose the registration of the published trade mark based on any previous gained rights, which might be infringed by the new registration (such as e.g. rights arising from a previous registered trade mark, author rights, commercial name, design or industrial model, etc.).

After the lapse of the 2 months period, and in lack of any opposition, the new trade mark is considered registered. The holders of previous rights (as mentioned above), may no longer contest the new trade marks, except for relevant Court actions submitted to the Bucharest Tribunal.

The new legal provisions represent in fact the transposing into national law of the European Community Trade Mark Office practices.

Taking into consideration all of the above mentioned, and in light of the new legal provisions, we consider that **a close monitoring, of all new requests for registrations of trade marks submitted and published weekly in BOPI, must be performed** so as to immediately identify any attempt of third parties to infringe any existing rights either made with intention or due to negligence.