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Law 206/90

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Law No.206 of 1990

THE TRADE MARKS (AMENDMENT) LAW

The House of Representatives votes as follows:

- Short title 1. The present Law will be referred to as the Trade Marks
Cap.268 (Amendment) Law of 1990 and shall be read together with the
63 of 1962 Trade Marks Law (which hereinafter will be referred to as the
69 of 1971 "basic law").
- Amendment 2. Section 2 of the basic law is amended as follows:
of sec.2 (a) With the addition, to subsection (1) of it in the defini-
of the tion of the words "trade mark", of the words "or
basic law services" after the word "goods" (wherever is found).

(b) With the addition to subsection (2) of it of the words "or
services" after the word "goods" (4th line).
- Amendment 3. Section 5 of the basic law is amended with the addition of
of sec.5 the words "or services" after the word "goods" (wherever is
of the found).
basic law
- Amendment 4. Section 6 of the basic law is amended as follows:
of sec.6 (a) With the addition, to subsection (1) of it, of the words
of the "or services" after the word "goods" (4th, 7th and 13th
basic law lines).

(b) with the addition, to subsection (2) of it, of the words
"or in connection with services offered to any place" after
the words "any market" (7th line).
- Amendment 5. Section 9 of the basic law is amended with the addition of
of sec.7 the words "or services" after the word "goods" (wherever
of the is found).
basic law
- Amendment 6. Section 9 of the basic law is amended with the addition
of sec.9 of the words "or services" after the word "goods" wherever is
of the found.
basic law
- Amendment 7. Paragraph (b) of Section 10 of the basic law is amended
of sec.10 with the addition of the words "or services" after the
of the word goods" (2nd line).
basic law
- Amendment 8. Section 11 of the basic law is amended with the addition
of sec.11 of the words "or services" after the word "goods" wherever is

of the
basic law found).

Amendment of sec.12 of the basic law
9. Section 12 of the basic law is amended with the addition of the words "or services" after the word "goods" wherever is found.

Amendment of sec.14 of the basic law
10. Section 14 of the basic law is amended as follows:

(a) With the addition, after the words "description of goods" (3rd and 5th lines), of the words "or services which are closely connected with these goods".

(b) with the addition, after subsection (1) of it, of the following new subsection and the renumbering of the existing subsections (2) and (3) to read as subsections (3) and (4) respectively.

"(2) Subject to the provisions of this Law a trade mark cannot be registered by any person in respect of services if it is substantially the same or resembles with a trade mark that is registered in such a way that it may deceive or for which an application has been submitted for registration by a different person with regard to the same services, services of the same description with those services or with goods that are closely related with those services."

(c) with the addition to subsection (3) of it (as this has been renumbered) of the words "or services" after the word "goods" (wherever it is found).

(d) with the addition to subsection (4) of it (as this has been renumbered), of the words "or services" after the word "goods" (wherever it is found).

Amendment of sec.17 of the basic law
11. Section 17 of the basic law is amended as follows:

(2) Subsection (1) of it is amended as follows:

(a) With the addition to paragraph (a) of the proviso of the words "or services" after the words "goods" (5th line),

(b) with the addition to paragraph (b) of the proviso after the words "patent" (2nd line) of the words "or services which were previously offered under a procedure safeguarded by a patent".

(3) Subsection (2) of it is amended as follows:

(a) With the addition to paragraph (a) of it, immediately after the words "same description" (5th line), of the words "or any services of

the same description,

(b) with the addition to paragraph (b) of 1t, after the words "same description" (6th and 11th lines) of the words "or any services of the same description".

(c) with the addition to subparagraph (1) of paragraph (c) after the words "same description" (8th line) of the words "or any services of the same description".

Amendment
of sec.23
of the
basic law

12. Section 23 of the basic law is amended as follows:

(a) With the addition, to subsection (2) of 1t, immediately after the words "description of goods" (2nd and 3rd lines) of the words "or same services of services of the same description" and

(b) "with the addition, to paragraph (a) of subsection (2) of the words "or services" after the words "goods" (1st line).

Amendment
of sec.24
of the
basic law.

13. Section 24 of the basic law is amended as follows:

(a) With the addition, to subsection (2) of the words "or services" after the words "goods" (3rd and 5th lines).

(b) with the addition, to subsection (3) of the words "or services" after the word "goods" (3rd, 4th, 5th and 6th lines).

(c) (I) with the addition to subsection (4) of the words (or "services" after the word "goods" (10th line).

(II) with the addition, to the proviso to subsection (4) of the words "or services which shall be offered" after the words "goods which shall be sold" (8th line) and

(III) with the striking out of the fullstop at the end of the proviso to subsection (4) and the addition of the phrase "or in relation to services which shall be offered outside Cyprus".

(d) with the addition, to subsection (5), of the words "or services" after the word "goods" (2nd and 7th lines).

(e) (I) with the addition to subsection (6) of the words "or services which shall be offered" after the words "traded in" (9th and 14th lines).

(II) with the addition to subsection (6), of the words "or services" after the words "dscription of

goods" (13th line) and

- (f) with the addition, to subsection (7), of the words "or services" after the word "goods" (1st and 3rd lines).

Amendment
of sec.25
of the
basic law

14. (a) Subsection (2) of section 25 of the basic law is amended as follows:
- (I) With the addition to subsection 2 of the words "or services which are closely related with these goods" after the words "description of goods" (6th line).
 - (II) with the numbering of the first paragraph as paragraph (a) and the addition, immediately after paragraph (a) of the following new paragraph:
 - "(b) Whenever a trade mark which is registered is the subject of an application to register in relation to any services and
 - (i) it is substantially the same with another trade mark which is registered or is the subject of an application for registration in the name of the same proprietor in relation to identical services or services of similar description like these services or goods which are closely related with these services or
 - (ii) it so nearly resembles with a trade mark that it is possible to deceive or to cause confusion if it is used by other person except from the proprietor, the Registrar may at any instance ask that the trade marks be registered on the Register as associated trade marks".
 - (iii) with the numbering of the second paragraph as paragraph (c).
- (b) Subsection (5) of section 25 of the basic law is amended with the addition of the words "or services" after the word "goods" (7th line).

Amendment
of sec.27
of the
basic law
Amendment
of sec.28
of the
basic law

15. Subsection (1) of section 27 of the basic law is amended with the addition of the words "or services" after the word "goods" (6th line).
16. (1) Subsection (1) of section 28 of the basic law is amended as follows:
- (a) with the addition, after the word "goods" (wherever

is found) of the words "or services".

- (b) with the substitution from its proviso of the words "in relation to goods of the same description, which are goods for which the trade mark is registered" (12th, 13th, 14th lines) with the following:

"in relation to goods or services for which one trade mark is registered -

(a) Wherever the application is related to goods: goods of the same description like the goods or the services which are closely related with these goods or

(b) wherever the application is related to services: services of the same description like the services or the goods which are closely related with these services".

(2) Subsection (3) of section 28 of the basic law is amended with the addition of the words "or services" after the word "goods" (wherever is found).

Amendment of sec.29 of basic law

17. Section 29 of the basic law is amended with the addition of the words "or services" after the word "goods" (wherever is found)

Amendment of sec.30 of basic law

18. Section 30 of the basic law is amended with the addition of the words "or services" after the word "goods" (wherever is found).

Amendment of sec.35 of the basic law

19. Paragraph (d) of subsection (1) of section 35 of the basic law is amended with the addition of the words "or services" after the word "goods" (1st line).

Amendment of sec.37 of the basic law

20. Section 37 of the basic law is amended with the addition of the words "or services" after the word "goods" (wherever is found) and the addition of the words "or classes of services" after the words "classes of goods" (wherever is found).

Amendment of sec.37A of the basic law

21. (a) Section 37A of the basic law is amended with the addition of the words "or services" after the word "goods" (wherever is found).

(b) Subsection (1) of section 37A of the basic law is substituted with the following new subsection:

"(1) Trade mark capable of distinguishing the trade goods or services which are certified by any person in relation to the quality, precision or other characteristic inclusive, in the case of goods, of their origin, their components, the method of manufacturing, from goods or services which are not certified in such a way may register as a certified trade mark in Part A of the Register in

relation to these goods or services in the name of this person as its proprietor:

Provided that no such trade mark is registered in this way in the name of a person who engages in the trade of goods of the certified kind or in the trade for the provision of services of the certified kind".

- Repeal of sec.49 & 50 of the basic law
Amendment of sec.54 of the basic law
Amendment of sec.55 of the basic law.
Amendment of sec.56 of the basic law
Amendment of sec.58 of the basic law
22. Sections 44 and 50 of the basic law are repealed and sections 51 to 62 are renumbered so as to read as sections 49 to 60, respectively.
23. Section 54 of the basic law (as this has been renumbered) is amended with the addition of the words "or services" after the word "goods" (wherever is found).
24. Section 55 of the basic law (as this has been renumbered) is amended with the addition of the words "or services" after the word "goods" (wherever is found).
25. Paragraph (b) of section 56 of the basic law (as this has been renumbered) is amended with the addition of the words "or services" after the word "object" (1st line).
26. Section 58 of the basic law (as this has been renumbered) is amended with the addition after the words "in the prescribed way" (6th and 7th lines) of the words "irrespective of any other provision in any other legislation".
- Entry into force of the present law
27. The present law enters into force on 19th November, 1990.