

## **Act to Amend the Trade Marks Act, the Designs Act, the Patents Act and the Utility Models Act**

(Increased efforts against counterfeiting and piracy by establishing an enforcement unit, etc.)

WE, MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, make known that

Folketinget (the Danish Parliament) has passed and We have given our Royal Assent to the following Act:

### **Section 1**

In the Trade Marks Act, cf. Consolidate Act No. 109 of 24 January 2012, as amended by

(i) After Part 6 the following shall be inserted:

“Part 6 A

#### *Enforcement Unit*

**45b-**(1) The tasks of the Patent and Trademark Office concerning the enforcement of trade mark rights shall be performed by a special enforcement unit, which consumers, businesses and authorities may approach and obtain information and guidance on enforcement and on specific cases concerning counterfeiting and piracy.

(2) The enforcement unit may give a written advisory opinion on specific cases concerning counterfeiting and piracy. The unit shall not give any written advisory opinion on cases having been brought before the courts.

(3) The enforcement unit shall assist the police and the prosecution in their efforts against counterfeiting and piracy.”

section 4 of Act No. 1387 of 23 December 2012 and section 30 of Act No. 639 of 12 June 2013, the following amendments shall be made:

(ii) In section 60d the following shall be inserted as subsection 3:

“(3) For a written advisory opinion pursuant to section 45b(2) a fee of 1,500 DKK shall be paid.”

### **Section 2**

In the Designs Act, cf. Consolidate Act No. 102 of 24 January 2012, as amended by section 3 of Act No. 1387 of 23 December 2012 and section 21 of Act No. 639 of 12 June 2013, the following amendments shall be made:

(i) After Part 7 the following shall be inserted:

“Part 7 A

*Enforcement Unit*

**41b-(1)** The tasks of the Patent and Trademark Office concerning the enforcement of design rights shall be performed by a special enforcement unit, which consumers, businesses and authorities may approach and obtain information and guidance on enforcement and on specific cases concerning counterfeiting and piracy.

(2) The enforcement unit may give a written advisory opinion on specific cases concerning counterfeiting and piracy. The unit shall not give any written advisory opinion on cases having been brought before the courts.

(3) The enforcement unit shall assist the police and the prosecution in their efforts against counterfeiting and piracy.”

**(ii)** In section 59d the following shall be inserted as subsection 3:

“(3) For a written advisory opinion pursuant to section 41b(2) a fee of 1,500 DKK shall be paid.”

**Section 3**

In the Patents Act, cf. Consolidate Act No. 108 of 24 January 2012, as amended by section 29 of Act No. 639 of 12 June 2013 and section 5 of Act No. 551 of 2 June 2014, the following amendments shall be made:

**(i)** After Part 9 the following shall be inserted:

“Part 9 A

*Enforcement Unit*

**65b-(1)** The tasks of the Patent and Trademark Office concerning the enforcement of patent rights shall be performed by a special enforcement unit, which consumers, businesses and authorities may approach and obtain information and guidance on enforcement and on specific cases concerning counterfeiting and piracy.

(2) The enforcement unit may give a written advisory opinion on specific cases concerning counterfeiting and piracy. The unit shall not give any written advisory opinion on cases having been brought before the courts.

(3) The enforcement unit shall assist the police and the prosecution in their efforts against counterfeiting and piracy.”

**(ii)** Section 77(1) shall be drawn up as follows:

“A European patent shall only have effect in this country provided that the proprietor of the patent within 3 months from the date on which the European Patent Office has published the grant of the patent or a decision to maintain the patent in amended form files with the Patent Authority of this country

- (i) the claims translated into Danish if the patent has been granted in English, or
- (ii) the claims translated into Danish and a translation of the remaining contents of the granted or amended patent into Danish or English if the patent has been granted in German or French.”

**(iii)** In section 98(6), 1<sup>st</sup> sentence, “2,850 DKK” shall be changed to “2,000 DKK”, and the 2<sup>nd</sup> and 3<sup>rd</sup> sentences shall be repealed.

**(iv)** In section 98(7), 1<sup>st</sup> sentence, “1,050 DKK” shall be changed to “2,000 DKK”, and the 2<sup>nd</sup> and 3<sup>rd</sup> sentences shall be repealed.

**(v)** In section 100(3), 1<sup>st</sup> sentence, “2,850 DKK” shall be changed to “2,000 DKK”, and the 2<sup>nd</sup> and 3<sup>rd</sup> sentences shall be repealed.

**(vi)** In section 100(4), 1<sup>st</sup> sentence, “1,050 DKK” shall be changed to “2,000 DKK”, and the 2<sup>nd</sup> and 3<sup>rd</sup> sentences shall be repealed.

**(vii)** In section 101 the following shall be inserted as subsection 3:

“(3) For a written advisory opinion pursuant to section 65b(2) a fee of 1,500 DKK shall be paid.”

#### **Section 4**

In the Utility Models Act, cf. Consolidate Act No. 106 of 24 January 2012, as amended by section 24 of Act No. 639 of 12 June 2013 and section 6 of Act No. 551 of 2 June 2014, the following amendments shall be made:

**(i)** After Part 10 the following shall be inserted:

“Part 10 A

#### *Enforcement Unit*

**61b-(1)** The tasks of the Patent and Trademark Office concerning the enforcement of utility model rights shall be performed by a special enforcement unit, which consumers, businesses and authorities may approach and obtain information and guidance on enforcement and on specific cases concerning counterfeiting and piracy.

(2) The enforcement unit may give a written advisory opinion on specific cases concerning counterfeiting and piracy. The unit shall not give any written advisory opinion on cases having been brought before the courts.

(3) The enforcement unit shall assist the police and the prosecution in their efforts against counterfeiting and piracy.”

**(ii)** In section 73d the following shall be inserted as subsection 3:

“(3) For a written advisory opinion pursuant to section 61b(2) a fee of 1,500 DKK shall be paid.”

#### **Section 5**

(1) This Act shall enter into force on 1 April 2015, cf., however, subsection 2.

(2) The Minister of Business and Growth shall fix the date of entry into force of sections 1 and 2, section 3(i) and (vii) and section 4.

(3) Section 3 (ii), (iv) and (vi) shall not apply to documents which are filed before the entry into force of this Act. With respect to such documents the previous rules shall apply.

#### **Section 6**

(1) This Act shall not apply to the Faeroe Islands and Greenland.

(2) This Act may by Royal Ordinance be put into force in whole or in part for the Faeroe Islands and Greenland with such deviations as the circumstances of the Faeroe Islands and Greenland may require.

*Given at Jagthuset, Trend Skov, on 28 March 2015*

Under our Royal Hand and Seal

MARGRETHE R.

/Henrik Sass Larsen