



20 March 2023

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

IRELAND: TRADE MARKS ACT, 1996 (SECTION 66) REGULATIONS, 2001
(S.I. NO. 9 OF 2001)

Notifying Member	IRELAND
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Details of the notified legal text

Title	Trade Marks Act, 1996 (Section 66) Regulations, 2001 (S.I. No. 9 of 2001)
Subject matter	Trademarks
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2023/IP/IRL/23_2083_00_e.pdf
Notification status	<input checked="" type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	Not applicable

Brief description of the notified legal text

The purpose of these Regulations is to enable certain details regarding the seniority of Community trademarks to be recorded in the Register of Trade Marks.

Community trademarks are valid in all EU member States. They are registered by the Office of Harmonisation in the Internal Market (OHIM) based in Alicante, Spain. In some cases, a trademark has already been registered in an EU member State when an application for a Community trademark is filed. In such cases there is provision under the Community Trade Mark Regulation for a claim to be made for the Community trademark to assume the rights of the earlier national trademark with effect from the date of national registration. This is known as "seniority".

Seniority may be claimed in connection with a Community trademark application at the time of, or within two months of, the filing date of the application. OHIM notifies national Patents Offices of such seniority claims. These Regulations provide, in the case of seniority in respect of earlier Irish trademarks, for the Controller of Patents, Designs and Trade Marks to record such claims in the Register of Trade Marks. This provision will enable any person to know, by inspecting the Register of Trade Marks, whether the seniority of an earlier Irish trademark has been claimed in a particular Community trademark application.

If a trademark holder fails to claim seniority within 2 months of submitting an application for a Community trademark, there is a further opportunity to claim seniority but only after the mark has been registered. Provision to record seniority claims in these circumstances has already been made in a Regulation last year (Trade Marks Act, 1996 (Community Trade Mark) Regulations, 2000 (S.I. No. 229 of 2000)).

Language(s) of notified legal text	English
Entry into force	29 January 2001
Other date	Adoption: 25 January 2001

Notification details

Submission date of notification	14 March 2023
Other information	
Agency or authority responsible	Intellectual Property Unit Department of Enterprise, Trade & Employment Email: trademarks@enterprise.gov.ie

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.