



16 February 2023

(23-1105)

Page: 1/2

**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 (COMMUNITY TRADE MARK) REGULATIONS, 2000
(S.I. NO. 229/2000)

Notifying Member	IRELAND
-------------------------	---------

Details of the notified legal text

Title	Trade Marks Act, 1996 (Community Trade Mark) Regulations, 2000 (S.I. No. 229/2000)
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_1110_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input checked="" 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	IP/N/1/IRL/2, IP/N/1/IRL/T/2

Brief description of the notified legal text

The Office for Harmonisation in the Internal Market (OHIM), based in Alicante, Spain, is primarily engaged in the registration of Community trademarks which are valid in all EU member States. The Community trademark system was introduced in April 1996. It co-exists with nationally registered trademarks. Having regard to the co-existence of Community trademarks and national trademarks, these Regulations introduce certain technical provisions.

Under Community trademark law a Community trademark may claim the seniority of an earlier trademark that has been registered in the State. Where seniority has been claimed OHIM notifies the Patents Office. These Regulations provide that the Controller of Patents, Designs and Trade Marks shall record this seniority claim in the register.

Seniority is maintained even after the earlier registered trademark is removed under section 48 of the Trade Marks Act, 1996 or surrendered under section 50 of the same Act by the proprietor. In order to allow any person to challenge the seniority of a Community trademark, these Regulations provide that applications for revocation or invalidity of registered trademarks may be made *a posteriori* — i.e., after the registered marks are removed under section 48 or surrendered under section 50.

For the purpose of conversion applications the existing statutory rights of privileged communications between a person and his/her registered trademark agent will be extended to a professional representative with respect to Community trademarks.

The Regulations extend the provisions of section 25 of the Trade Marks Act, 1996 (which deals with infringing goods, materials or articles and the power of seizure and search in relation to such goods etc.) to cover a Community trademark as well as a registered trademark.

The Regulations designate the High Court as a Community trademark court of first instance and the Supreme Court as a Community trademark court of second instance.

Where the Controller decides that the conversion of a Community trademark or Community trademark application is admissible, it will be treated as a national trademark application.

The Patents Office is designated as the central industrial property office in the State for the purposes of Articles 109 and 110 of the Community Trade Mark Regulations.

Certain time-limits in the Trade Mark Rules (S.I. No. 199 of 1996) are amended in order to ensure that there is consistency in the methods of determining time-limits.

Language(s) of notified legal text	English
Entry into force	20 July 2000
Other date	Issuance by legislature or executive: 14 July 2000

Notification details

Submission date of notification	13 February 2023
Other information	Enforcement of IP and Related Laws, IP Regulatory Body
Agency or authority responsible	Intellectual Property Unit Department of Enterprise, Trade and Employment 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.