

Respecting Collective Marks

The President of Iceland

makes known:- The Althingi (Legislative Assembly) has passed the present Act and I have ratified it with my approval.

Art. 1

Associations or unions may acquire sole rights for their members to use in business activities a joint special mark for goods or services.

Authorities, establishments, associations or unions supervising or determining standards for goods or services may acquire sole rights to use or permit the use of a mark for the goods or services to which the supervision or standards apply.

The marks to which the present Act applies are named Collective Marks.

Art. 2

As far as the provisions of the present Act do not stipulate the provisions of the Act respecting Trade Marks No. 45/1997 will apply to Collective Marks as applicable.

Art. 3

Marks or information which do in business indicate the geographical origin of goods or services may be considered to constitute Collective Marks, the provisions of para. 1, Art 13 of the Trade Marks Act notwithstanding. Such a mark does not grant its owner the right to forbid a third party the use of the mark or the information for professional purposes, provided the use be in conformity with good business practises.

Art. 4

Collective marks are registered in the Trade Marks Registry.

An application for the registration of a Collective Mark shall be delivered in writing to the Patents Office undertaking the registration of Collective Marks. The stipulated fee shall be attached to an application.

An application shall specify the mark, by means of an illustration if applicable, and the goods or services for which registration of the mark is being requested. There shall also be specified the name or title of the applicant. An application shall furthermore be in conformity with the provisions of Regulations respecting Trade Marks as applicable. The rules applying to the use of the mark shall accompany an application.

The rules applying to the use of the mark shall *inter alia* reveal:-

- a. who be authorized to use the mark and which conditions attach to such authority,
- b. which consequences result from the unjust use of the mark and
- c. which rights and duties the owner of the mark has vis-à-vis those using the mark in an unauthorized manner.

Art. 5

In case of amendments to the rules relating to the use of the mark the owner shall give notice of the amendments to the Patent Office no later than three months following upon the approval of the amendments.

Art. 6

The provisions of Art. 25 of the Act respecting Trade Marks apply to the duty to use Collective Mark.

The use of a Collective Mark by one or more parties authorized to use the mark is considered use in the interpretation of para. 1, Art. 25 of the Trade Marks Act.

Art. 7

Proceedings on account of violations of a Collective Mark may be instituted only by a party who is the owner of the mark. A party violating a Collective Mark and being liable to damages under the Trade Marks Act shall compensate the loss sustained by the owner of a mark or a party entitled to use it.

Art. 8

Parties to a Case concerning final decisions by the Patent Office in accordance with the present Act may appeal the matter to the Appeals Committee of Industrial Property Right. Appeal shall be received by the Ministry of Industry within two months as of the date on which a decision was made. Within the selfsame respite the stipulated appeal fee shall be paid to the Ministry. In case the appeal fee be not paid within the respite the appeal shall be dismissed.

An alternative authority will not be consulted about the decrees by the Appeals Committee.

If parties to a Case desire to refer a decision by the Patent Office or a decree by the Appeals Committee to Courts of Law they shall institute Proceedings within three months of the date on which the Patent Office rendered its decision or the Appeals Committee decided on the Case.

Art. 9

The Minister of Industry is authorized to lay down further rules, *inter alia* concerning the finish of applications and the handling thereof with the Patent Office, the form of the registration and the entry, the issue of registration certificates and the subject thereof and the handling of opposition as well as concerning fees for applications, renewals, despatch, copies, appeals et al.

Fees shall meet the costs of the Patent Office on account of its work in connection with Collective Marks' matters and upon service rendered *inter alia* in connection with applications and registration of Collective Marks, transcriptions from registries, despatches and copies.

Art. 10

Anyone who deliberately violates the right of Collective Marks shall be subject to fines. According to circumstances penalty may comprise imprisonment for up to three months.

Fines in accordance with the present Act may be imposed both upon legal persons and an individual. A fine may be determined for a legal person irrespective of whether guilt will be proved on an employee of the legal person. In case an employee of a legal person has committed a violation of the present Act or rules laid down in accordance therewith a fine may also be imposed upon the legal person, provided that the violation be committed for the benefit of the legal person or if such person has derived benefit from the violation. A legal person is responsible for the payment of a fine imposed on his employee on account of violations of the present Act, provided that violations be linked to work for the legal person.

Art. 11

The present Act enters into force forthwith. At the same time there is repealed Act No. 89/1935 respecting General Quality Marks, with amendments.

Applications received by the Patent Office prior to the entry into force of the present Act shall be handled in accordance with older Laws.

Given at Bessastaðir on 18 December 2002

Ólafur Ragnar Grímsson.

(L. S.)

Valgerdur Sverrisdottir

