

# ACT AMENDING THE ACT (1994:1510) AMENDING THE TRADEMARKS ACT (1960:644).

(Swedish Statute Book 1995:1278, of December 7, 1995).

In accordance with the decision by the Parliament it is hereby prescribed that [Articles 14](#) and [57 of the Trademarks Act \(1960:644\)](#) in their wording under the Act (1994:1510) Amending the Act mentioned shall read as follows

**Article 14.** A trademark may not be registered:

- 1) if in the mark has, without authorization, been included such a State emblem or international emblem or such a local authority coat of arms which under existing laws or regulations may not be used, without authorization, as a trademark, or anything that may be easily confused therewith;
- 2) if the mark is likely to deceive the public;
- 3) if the mark is otherwise contrary to laws or regulations or public order or is likely to cause offence;
- 4) if the mark contains or consists of elements which are likely to convey the impression of being another person's trade name or the family name, artistic name or similar name of another person, or another person's portrait, unless the name or the portrait obviously relates to a person who is long deceased;
- 5) if the mark contains an element which is likely to convey the impression of being the title of another person's protected literary or artistic work, where the title is distinctive, or which would violate another person's copyright in a literary or artistic work or another person's right in a photographic picture or in a design;
- 6) if the mark is confusingly similar to a name or a trade name which is being used in the course of another person's business activities or to another person's trademark which is registered on the basis of an earlier application, or to another person's trade symbol which is established on the market when the application for registration is filed;
- 7) if the mark is confusingly similar to a trade symbol which, at the time of the application, is being used by another person and the applicant had knowledge about that use at the time of the application and had not used the mark before the other symbol was first used;
- 8) if the mark is confusingly similar to a trademark covered by an international registration with effect in Sweden and for which the date referred to in [Article 55](#), second paragraph, precedes the date of the application;
- 9) if the mark is confusingly similar to a Community trademark owned by another person which is registered on the basis of an earlier application.

If the mark is confusingly similar to a Community trademark which is registered on the basis of a later application, an obstacle to registration exists if the holder of the Community trademark may, as regards that mark, claim the priority of an earlier trademark according to the Council Regulation on the Community trademark and the earlier trademark is registered on the basis of an earlier application. This applies even where the earlier trademark has not been maintained or renewed.

In cases referred to in the first paragraph, [item 9](#)), confusing similarity may, even where the marks do not refer to goods or services of the same kind or a similar kind, be invoked for the benefit of a Community trademark having a reputation within the Community, where the use of another similar trademark would take unfair advantage of, or would be detrimental to the distinctive character or reputation of, the Community trademark having the reputation.

In cases referred to in the first paragraph, [items 4](#)) to [9](#)), and the second and third paragraphs, the registration may nevertheless be effected if the person whose right is involved gives his consent and there are no other obstacles according to the provisions of the first paragraph.

**Article 57.** A decision that an international registration shall have effect in Sweden shall be valid as from the date which the International Bureau has indicated as the date of the international registration. The provisions of [Article 1](#), third paragraph, [Articles 3](#) to [11](#), [25](#) to [27](#) and [32](#) to [45](#) shall apply to such registrations. The provisions in those Articles referring to a registration shall instead apply to a decision that an international trademark registration shall have effect in Sweden.

The provisions on trademark applications in [Articles 34a](#) to [34j](#) shall apply also to requests under [Article 54](#), first paragraph, that an international trademark registration shall have effect in Sweden.

This Act enters into force on January 1, 1996.