

## **Act No 55/1997 Coll. on Trademarks**

**Amended by: Act No 577/2001 Coll.**  
**Act No 14/2004 Coll.**  
**Act No 344/2004 Coll.**  
**Act No 84/2007 Coll.**

National Council of the Slovak Republic has adopted the following Act:

### **PART I**

#### **GENERAL PROVISIONS**

#### **Trademark**

##### **Article 1**

- (1) Trademark shall be any sign capable of being represented graphically and consisting particularly of words, including personal names, letters, numerals, drawings, shape of goods or of their packaging or their mutual combinations capable of distinguishing goods or services of one person from goods and services of other person, entered in the Register of Trademarks (hereinafter referred to as "the Register").
- (2) Collective trademark shall be a sign referred to in paragraph (1), if it is capable of distinguishing products or services, originated by members of a legal entity established to protect their interests or for other purpose (hereinafter referred to as "association<sup>1</sup>") from goods or services of other persons, entered in the Register.

##### **Article 2**

- (1) Sign which:
  - a) fails meet requirements pursuant to Article 1;
  - b) has no distinctive capability;
  - c) creates exclusively symbols or data serving in a trade to determine kind, quality, quantity, purpose, value, geographical place of origin or other characteristics of goods or services, eventually time of production of goods or performing services;
  - d) consists exclusively of symbols or signs customary in a currently used language or used in commercial usage;
  - e) creates exclusively shape of product or its packaging which results from nature of product or is necessary to achieve a technical result or gives to product substantial value,
  - f) may deceive public particularly of a nature, quality or geographical place of origin of goods or services,
  - g) is contrary to public order or good manners,
  - h) usage would be contrary to obligations of the Slovak Republic under international treaties,
  - i) contains figure of high symbolic value, particularly religious symbol,

- j) contains geographical indication and is being applied for wines or spirits not having that origin,
  - k) which is subject of an application which has not been filed in a good faith
- shall not be considered a trademark.
- (2) Signs referred to in paragraph (1)(b) to (d) may be accepted and entered into the Register if a natural person or a legal entity requesting registration (hereinafter referred to as "applicant") proves that by using of such sign within the territory of the Slovak Republic or in relation to the Slovak Republic, before an application for entry of sign or trademark into the Register is filed (hereinafter referred to as "application"), such sign has acquired distinctive capability for goods or services, for which registration is requested.

### **Article 3**

- (1) The following shall not be recognised as a trademark:
- a) sign identical with a trademark with earlier priority right which has been registered for another owner for identical goods or services,
  - b) sign identical with a sign applied by another applicant with earlier priority right provided that such sign is registered for identical goods or services,
  - c) sign identical with a trademark registered for identical or similar goods or services that has expired pursuant to Article 15 (1) (a) if an application was filed within two years from expiration of a trademark; this shall not apply if registration of such sign was required by a person who at time of expiration of a trademark was registered as an owner of a trademark or his legal successor.
- (2) Paragraph (1) shall not apply if a trademark owner or applicant for an identical sign with earlier priority right gives his written consent to registration of a later registered sign as a trademark.

### **Article 3a**

#### **Identity and interchangeability of signs or trademarks and similarity of goods or services**

- (1) Signs or trademarks, which are identical or differ only in immaterial elements not changing overall character of a sign or trademark, shall be considered identical.
- (2) Signs or trademarks shall be considered interchangeable and goods or services shall be considered similar if such interchangeability or similarity causes a likelihood of confusion with signs or trademarks or goods or services originated from different persons, or likelihood of association with a sign or trademark with earlier priority right on the part of the public.

### **Article 4**

- (1) A sign shall not be recognised as a trademark if the Industrial Property Office of the Slovak Republic (hereinafter referred to as "the Office") on the basis of oppositions filed pursuant to Article 9 ascertains that it is:
- a) identical with a trademark with earlier priority right if this trademark has been registered for similar goods or services or for interchangeable with a trademark, if this trademark has been registered for identical or similar goods and services,
  - b) identical with an applied sign with earlier priority right provided that such sign is being entered into the Register as a trademark for similar goods or services or for interchangeable with an applied sign with earlier priority right provided that such sign is being entered into the Register for identical or similar goods or services,

- c) identical or interchangeable with a trademark with earlier priority right which has a reputation in the Slovak Republic if using of such sign for goods and services, which are not similar to those for which a trademark with earlier priority right has been registered, would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark,
  - d) identical or interchangeable with a sign registered as a trademark for identical or similar goods or services in a country or in relation to a country which is a contracting party to an international convention<sup>1a)</sup> or is a member of the World Trade Organization<sup>1b)</sup> (hereinafter referred to as "foreign trademark") provided that an applicant of this sign is a representative of a foreign trademark owner within the territory of the Slovak Republic or his representative on the basis of other legal relationship<sup>1c)</sup> (hereinafter referred to as "representative") and filed a trademark application in his own name without a foreign trademark owner's consent,
  - e) identical or interchangeable with an unregistered sign which by using in the course of trade has acquired distinctive capability for identical or similar goods or services of user before filing date of an application, if such sign has got not only local significance,
  - f) identical or interchangeable with a trade name or with its essential part, entered into the Business Register or a similar register for an entrepreneur who carried his business with identical or similar goods or services prior to a filing date of an application,
  - g) identical or interchangeable with name and surname or with pseudonym or with image of a person if entry of this sign into the Register would infringe the rights for protection of personality,
  - h) identical or interchangeable with subject matter of other industrial property with earlier priority right,
  - i) identical or interchangeable with an author's work created prior to filing date of an application if using of such sign would infringe author's rights.
- (2) A sign shall not be recognised as a trademark if the Office on the basis of oppositions filed pursuant to Article 9, ascertains that it is:
- a) identical or interchangeable with a sign which, before filing date of an application, had become well-known by its using within the territory of the Slovak Republic or in relation to the territory of the Slovak Republic according to an international treaty<sup>ii</sup>, for goods or services of its owner (hereinafter referred to as "unregistered well-known mark"), if this sign is applied for identical or similar goods or services,
  - b) identical or interchangeable with an unregistered well-known mark, if using of such sign for any goods or services would indicate connection between thus-marked goods or services and an owner of unregistered well-known mark, and interests of unregistered well-known mark owner would be infringed by such use.
- (3) A sign shall not be recognised as a trademark if the Office on the basis of oppositions filed pursuant to Article 9 ascertains that it is identical or interchangeable with a Community trademark<sup>2a)</sup> with earlier priority right, which has a reputation within the territory of the European Communities, if using of such sign for goods or services, which, however, are not similar to those for which a Community trademark with a reputation has been registered, would take unfair advantage of, or be detrimental to, the distinctive character or the repute of a Community trademark .

**PART II**  
**PROCEEDINGS ON MATTERS CONCERNING A TRADEMARK**

**Article 5**

**Trademark application**

- (1) Trademark application shall be filed by an applicant with the Office.
- (2) An application shall contain:
  - a) request for entry of a sign as a trademark into the Register, name, surname and permanent residence if an applicant is a natural person, and name or trade name and place of business if an applicant is a legal entity,
  - b) wording or image of an applied sign; in case of three-dimensional sign its surface image,
  - c) list of goods or services in respect of which a sign shall be entered as a trademark into the Register.
- (3) Goods or services included in the list pursuant to paragraph (2)(c) shall be classified in accordance with an international treaty.<sup>iii</sup>
- (4) Application can be filed for one sign only.

**Article 6**

**Priority right**

- (1) For purposes of starting proceedings and purposes of priority right starting filing date of an application shall be date of delivery or date when irregularities of filing were corrected, which contains at least:
  - a) data indicating an apparent intention of an applicant to file an application,
  - b) data allowing identification of an applicant and contact with an applicant; and
  - c) requirements in accordance with Article 5 (2)(b) and (c) except classification referred to in Article 5 (3).
- (2) An applicant shall apply priority right against any person who files an application containing identical or interchangeable sign for identical or similar goods or services after
  - a) filing date of an application according to paragraph (1) or
  - b) date of priority right pursuant to an international convention <sup>1a)</sup> following from an earlier trademark application.
- (3) An applicant shall apply priority right pursuant to paragraph (2)(b) in an application and within the period of three months from the day of its filing he shall prove this right otherwise it shall not be taken into consideration.
- (4) Priority right according to paragraph (2)(b) may applied from one application only provided that this application has been filed in a state which is contracting party to an international convention<sup>1a)</sup> or which is a member of the World Trade Organization<sup>1b)</sup>; otherwise this right may be applied only under the condition of reciprocity.
- (5) Priority right pursuant to paragraph (2)(b) shall be applied also to services.

## **Article 7**

### **Amendment and division of application, assignment and transfer of application**

- (1) On request of an applicant the Office shall allow amendment of an applied sign related to his name, surname or title, eventually trade name or seat, permanent residence or place of business, if their change occurred after the application was filed and if this amendment updated data contained in an applied sign without any changes in overall character of a sign. Other amendments of an applied sign shall not be admissible after filing an application. If a sign that is subject of application is amended after publication of an application, the application shall be re-published with amended sign.
- (2) After filing an application an applicant shall be entitled to reduce list of goods or services for which a sign is to be registered; such reduction shall not be withdrawn. No extension of list of goods or services, for which a sign is to be registered, shall be admissible after filing an application.
- (3) An applicant shall be entitled up to entry of a sign into the Register to divide an application containing in the list more than one kind of goods or services into separate applications. Priority right and filing date from the application as filed shall be remain unchanged also for divisional applications, if they are related to goods and services from the application as filed.
- (4) An applicant shall be entitled to assign his right from an application for goods or services, which it is related to, or for their part, to another natural person by written agreement, if these goods or services are subject of his business activity on the date of the agreement conclusion.
- (5) Rights from an application shall be transferred to another person in cases stipulated by special regulation<sup>iv</sup>.

## **Article 8**

### **Examination and publication of application**

- (1) The Office shall examine whether an application meets conditions pursuant to this Act and to generally binding regulation for implementation of this Act.<sup>4a)</sup>
- (2) If an application fails to meet conditions pursuant to Article 5(2) to (4), as well as conditions specified by generally binding regulation, the Office shall invite an applicant to correct irregularities within a specified time limit. If an applicant fails to correct irregularities within a specified time limit, the Office shall suspend proceedings on an application. An applicant shall be notified of this consequence in an invitation to correct irregularities.
- (3) If an applied sign fails to meet conditions pursuant to Articles 1 to 3, the Office shall refuse an application. Before an application is refused, the Office shall enable an applicant to respond to ascertained reasons for refusal of an application.
- (4) If reasons for refusing an application pursuant to paragraph (3) relate to only a part of goods or services, the Office shall refuse the application only for this part of goods or services.
- (5) If proceedings on an application were not suspended pursuant to paragraph (2) or if an application was not refused pursuant to paragraph (3), the Office shall publish the application in the Official Journal of the Industrial Property Office of the Slovak Republic (hereinafter referred to as "Official Journal").

## **Article 8a**

### **Observations**

- (1) Any person shall be entitled to submit written observations to meeting conditions of Articles 2 and 3 up to entry of a trademark into the Register; the Office shall take into account observations in deciding on entry of a trademark into the Register. Person who submitted observation shall not be a party to proceedings on a trademark application.
- (2) The Office shall inform an applicant about observations and shall invite him to respond within the specified time limit. The Office shall inform an applicant and a person who submitted observations about results of observations assessment.

### **Oppositions against entry into the Register**

#### **Article 9**

After publication of an application in the Official Journal, a person concerned for reasons stated in Article 4 (hereinafter referred to as "Opponent") shall be entitled to file oppositions against entry of a sign into the Register containing legal statement of reasons as well as documentary evidence or indication of documentary or other evidence submitted by an opponent within the period of three months from this publication at the Office.

#### **Article 10**

- (1) The Office shall examine whether oppositions have been filed duly and in due time pursuant to Article 9 and whether condition of obligatory representation pursuant to Article 34 (3) has been met.
- (2) If oppositions have not been filed duly and in due time pursuant to Article 9 or if an opponent shall not submit indicated evidence upon invitation of the Office within a specified time limit or shall not prove that the condition of obligatory representation pursuant to Article 34 (3) upon the invitation of the Office has not been met within a specified time limit, the Office shall suspend proceedings on opposition.
- (3) The Office shall inform an applicant about oppositions submitted pursuant to Article 9, proceedings on which have not been suspended pursuant to paragraph (2), and shall invite him to respond within a specified time limit.
- (4) If an applicant fails to respond to oppositions within a specified time limit pursuant to paragraph (3) or he fails to meet condition of obligatory representation pursuant to Article 34(3) upon an invitation of the Office within a specified time limit, the Office shall suspend proceedings on an application within the extent of filed oppositions. An applicant shall be notified by the Office of this consequence in the invitation to file response.
- (5) Written copy of a decision pursuant to paragraph (2) shall be delivered by the Office to an opponent and written copy of a decision pursuant to paragraph (4) shall be delivered by the Office to an applicant and to an opponent.
- (6) The Office shall suspend proceedings on oppositions, if a reason, for which an opposition was filed, has lapsed. Decision on suspension of proceedings on oppositions shall be delivered by the Office to an applicant and to an opponent.

## **Article 11**

- (1) On basis of oppositions, to which an applicant has responded, the Office shall examine whether an applied sign meets conditions set up for entry into the Register with regard to Article 4.
- (2) If the Office finds out pursuant to paragraph (1) on basis of evidence exercised on request of a party that:
  - a) an applied sign fails to meet conditions for entry of a trademark into the Register pursuant to Article 4, the Office shall refuse an application, or
  - b) no reasons pursuant to Article 4 exist, or an opponent is not an aggrieved person pursuant to Article 9, oppositions shall be refused.
- (3) If reasons for refusal of an application pursuant to paragraph (2)(a) concern only some part of goods or services, the Office shall refuse an application in respect of those goods or services.
- (4) The Office shall deliver decision pursuant to paragraph (2) to an applicant and to an opponent.

## **Article 12**

### **Registration of a trademark**

- (1) If conditions of this Act for entry of a sign as a trademark into the Register are met, the Office shall enter the trademark into the Register.
- (2) By entry of a sign into the Register an applicant acquires rights to a trademark and becomes a trademark owner; the Office shall issue a certificate on entry to an owner.
- (3) The Office shall publish registration of a trademark in the Official Journal.
- (4) Legal entity or natural person entered as an owner into the Register shall be considered to be an owner of a trademark.

## **Article 13**

### **Term of protection**

- (1) Term of protection of a registered trademark shall be ten years from filing date of an application with the Office (Article 6 (1)).
- (2) On request of a trademark owner for renewal of registration filed at earliest during the last year of a term of protection but not later than six months from its expiry (hereinafter referred to as "request for registration renewal") term of a trademark protection shall be renewed always for another ten years.

## **Article 14**

### **Amendment of a trademark and of list of goods and services**

- (1) On request of a trademark owner the Office shall permit amendment of a trademark concerning his name, surname or name or trade name or seat, permanent residence, place of business if this change occurred after entry of a trademark into the Register and if this amendment updates data contained in this trademark without changing overall character of a trademark.
- (2) On request of a trademark owner the Office shall reduce list of goods or services for which a trademark is registered; such reduction shall not be withdrawn. Extension of list of goods or services for which a trademark is registered shall not be admissible.

## **Article 15**

### **Lapse of a trademark**

- (1) A trademark shall lapse:
  - a) by expiry of term of protection, if request for renewal of registration has not been filed in due time,
  - b) on day of delivery of declaration of a trademark owner to the Office about waiving right to a trademark; this declaration shall have no legal effects if rights of third parties impede this,
  - c) from day of effectiveness of a trademark cancellation from the Register pursuant to Article 16(3) to (13), Article 17 and Article 23.
- (2) A trademark to which rights of third parties have been bound, shall lapse pursuant to paragraph (1)(b) from the day when a trademark owner proves expiration of these rights eventually furnishes consent of entitled persons with lapse of a trademark.
- (3) Lapse of a trademark shall be entered into the Register.

### **Cancellation of a trademark**

## **Article 16**

- (1) The Office shall cancel a trademark from the Register, if it in proceedings started on request of a third party or ex-officio ascertains that a trademark has been entered contrary to conditions for registration of a trademarks laid down by this Act.
- (2) Cancellation pursuant to paragraph (1) shall not proceed if a trademark has been registered contrary to Article 2(1)(b) to (d) but an owner proves that by using within the territory of the Slovak Republic or in relation to the territory of the Slovak Republic, which had started before proceedings on cancellation started, such trademark has acquired distinctive capability for goods or services of its owner, for which it has been registered.
- (3) The Office shall cancel a trademark from the Register, if in proceedings started on request of a third party or ex officio it ascertains that a trademark may in consequence of a way of use by a trademark owner or by third party with consent of a trademark owner deceive public, particularly as to character, quality or geographical origin of goods or services for which it has been registered.
- (4) The Office shall cancel a trademark from the Register if in the proceedings started on request of a third party it ascertains that a trademark was not being used in the Slovak Republic for at least five consecutive years preceding the start of proceedings on cancellation, and if a trademark owner shall not substantiate using of a trademark. Trademark shall be deemed not to be used during five consecutive years within the territory of the Slovak Republic unless proved otherwise. Trademark shall not be cancelled if an owner started to use a trademark in good faith after expiry of five consecutive years, whereas starting to use a trademark within the time limit of three months preceding filing of request for cancellation shall not be deemed starting to use in good faith, unless proved otherwise.
- (5) The Office shall cancel identical trademark from the Register, if in proceedings started on request of a trademark owner with earlier priority right it ascertains that the contested trademark has been registered for similar goods or services, or, interchangeable trademark, if in proceedings started on request of a trademark owner with earlier priority right it ascertains that the contested trademark has been registered for identical or similar goods or services.



- (6) The Office shall cancel a trademark from the Register, if in proceedings started on request of a trademark owner with earlier priority right, which has acquired a reputation in the Slovak Republic, it ascertains that using of the contested trademark for goods or services, which are not similar to those for which an earlier trademark has been registered, would take advantage in bad faith from distinctive capability or from reputation of a trademark with earlier priority right or it would be detrimental to them.
- (7) The Office shall cancel a trademark from the Register, if in proceedings started on request of an owner of unregistered or registered well-known mark it ascertains that the contested trademark is
  - a) identical or interchangeable with unregistered well-known mark which became well-known for identical or similar goods or services before filing date of an application of contested trademark (Article 4(2)(a)), or
  - b) identical or interchangeable with an unregistered well-known mark which became well-known before filing date of an application of contested trademark (Article 4 (2)(b)) if using of such trademark for any goods or services would indicate connection between thus-marked goods or services and an owner of unregistered well-known mark, and interests of an owner of unregistered well-known trademark could be affected by such use.
- (8) The Office shall, on proposal of a user of unregistered sign, cancel from the Register a trademark identical or interchangeable with unregistered sign, which acquired distinctive character for identical or similar goods or services by using in a trade intercourse before filing date of an application of a contested trademark, unless such sign has not only local significance.
- (9) The Office shall cancel a trademark from the Register, if in proceedings started on request of a third party it ascertains that the trademark, as a result of activity or inactivity of its owner, lost its distinctive character because it became, in the course of trade, a sign common for goods or services for which it has been registered.
- (10) The Office shall cancel identical or interchangeable trademark from the Register, if in proceedings started on request of an entrepreneur it ascertains that the trademark is identical interchangeable with a trade name or its essential part, entered into the Business Register or into a similar register for such entrepreneur if, prior to filing date of an application of contested trademark, he carried business with identical or similar goods or services.
- (11) The Office shall cancel identical or interchangeable trademark from the Register, if in proceedings started on request of a third party it ascertains that the trademark is identical or interchangeable with a name and surname or with pseudonym or with image of a person, if by using this sign rights to protection of personality could be infringed.
- (12) The Office shall cancel identical or interchangeable trademark from the Register, if in proceedings started on request of an owner of right to a subject matter of another industrial property it ascertains that the contested trademark is identical or interchangeable with a subject matter of another industrial property right with earlier priority right.
- (13) The Office shall cancel identical or interchangeable trademark from the Register, if in proceedings started on request of a third party it ascertains that the trademark is identical or interchangeable with an author's work created prior to filing date of an application of contested trademark, if by using this sign rights to author's work could be infringed.
- (14) If a reason for cancellation of a trademark from the Register refers to only a part of goods or services for which a trademark is being registered, the Office shall cancel a trademark only for those goods or services.
- (15) If a proponent proves a legal interest it is possible to file a request for cancellation of a trademark from the Register pursuant to paragraph (1) and decision on this request could be made also after lapse of a trademark pursuant to Article 15 (1)(a) to (c).

- (16) The Office shall not cancel a trademark pursuant to paragraphs (5) to (8) if an owner of right:
- a) sustained using of a contested trademark within the territory of the Slovak Republic during five consecutive years since he got to know about such using; it shall not apply if an owner of right proves that an application of contested trademark was filed in bad faith, or
  - b) has not used a trademark registered or unregistered, well-known mark or unregistered sign within the territory of the Slovak Republic for five consecutive years and if he has not given proper reasons for not using it.
- (17) The Office shall cancel a trademark from the Register, if in proceedings started on request of a Community trademark<sup>2a)</sup> owner it ascertains that the contested trademark is identical or interchangeable with a Community trademark with earlier priority right, which has a reputation in European Communities, and using of such trademark for goods and services, which are not similar to those, for which a Community trademark with reputation is being registered, would take unfair advantage of, or be detrimental to, the distinctive character or the repute of a Community.

### **Article 17**

- (1) The Office shall cancel a trademark from the Register on a basis of a court decision pursuant to which a trademark
- a) containing name and surname or image of a natural person, or his pseudonym, infringes rights to protection of personality,
  - b) containing name or trade name of a natural person or a legal entity, entered in the Register of Companies or in a similar register prior to filing an application, interferes with its reputation,
  - c) infringes earlier copyright.
- (2) The Office shall cancel a trademark from the Register on a basis of a court decision pursuant to which using of such trademark is prohibited as an act of unfair competition<sup>1d)</sup>.
- (3) Cancellation shall be performed on request of entitled person within six months from date of validity of the court decision.

### **Article 18**

When a trademark is being cancelled pursuant to Article 16(1) it shall be deemed never entered into the Register; otherwise cancellation shall be effective from date of beginning proceedings on cancellation.

### **Article 18a**

#### **Special provision on cancellation effects**

- (1) Effects of a trademark cancellation shall not concern:
- a) to decisions on infringement of trademark rights which had become effective and had been implemented prior to entry of a decision on cancellation of a trademark into effect,
  - b) to contracts concluded before entry of a decision on cancellation of a trademark into effect, within the extent of performance provided a basis of them before entry into effect of such decision; however, repayment to an extent provided on basis of the contract may be claimed.
- (2) Liability for damage or unjustified enrichment of a trademark owner shall be without prejudice to paragraph (1).

### **Article 19**

Together with request to start proceedings on cancellation of a trademark from the Register pursuant to Article 16 the proponent shall be obliged to make a deposit of 2 500 SKK. The Office shall refund deposit if proceedings prove that proposal on start proceedings on cancellation has been filed reasonably.

### **Special provisions on collective Trademark**

#### **Article 20**

- (1) An association can file an application for registration of a sign as a collective trademark as an applicant.
- (2) An application shall contain, except requirements pursuant to Article 5(2) and (3), following:
  - a) written contract between all members of an association, in which conditions for using a collective trademark shall be laid down, including sanctions for their infringement,
  - b) list of members of an association who are entitled to use a collective trademark and addresses of their seats.
- (3) Provisions of Articles 5 to 19 shall apply *mutatis mutandis* for proceedings on a collective trademark.

#### **Article 21**

- (1) Members of an association entered into the Register shall have exclusive right to mark with a collective trademark their goods or services for which it is entered into the Register or to use it in connection with these goods or services.
- (2) The Office shall, on request of a collective trademark owner furnished with a contract on amendment of prior contract, enter into the Register change of list of members of an association.
- (3) The Office shall, on request of members of an association, issue an abstract of record to every member of an association entered into the Register.
- (4) The Office shall enable any person to inspect a contract on request.

#### **Article 22**

A collective trademark shall not be assigned to another owner and shall not be licensed or given as lien.

#### **Article 23**

The Office shall cancel a collective trademark from the Register with exception of cases referred to in Articles 16 and 17 thereof, also when members of an association seriously breach a contract on using a collective trademark.

**PART III**  
**RIGHTS AND OBLIGATIONS FROM TRADEMARKS**

**Rights of trademark owners**

**Article 24**

- (1) A trademark owner shall have exclusive right to mark his goods or services with a trademark for which it has been entered into the Register or to use it in connection with these goods or services.
- (2) A trademark owner shall be entitled to use "®" mark together with a trademark.

**Article 25**

- (1) No person shall be, without a trademark owner consent, entitled to use a sign identical or interchangeable with its trademark for identical or similar goods or services for which a trademark has been entered into the Register, neither a sign identical or interchangeable with its trademark for goods or services which are not similar to those, for which a trademark has been registered but it is a trademark with a reputation in the Slovak Republic and its using would take unfair advantage of, or be detrimental to, the distinctive character or the repute of a trademark. Such sign shall not be used in relation with these goods or services, particularly to place it on goods or their packaging, to offer or to place on market such goods or their packaging such marked, or to store them for such reason, to import or export goods or packaging with this sign or to use this sign in the course of trade, correspondence or in advertisement.
- (2) A trademark owner shall be entitled to require from a publisher of a publication, in which his trademark is being reproduced, to publish information, that it is a trademark, including registration number of a trademark in the Register.

**Article 25a**

- (1) A trademark owner may request in infringement or jeopardising of rights protected by this Act that a person infringing or jeopardising his rights provided him information related to origin of goods or to circumstances of placing goods or services on market.
- (2) Information pursuant to paragraph (2) shall contain particularly:
  - a) name and surname or business name or name and place of permanent residence or place of business, or place of business of a producer, processor, storekeeper, distributor, provider, dealer and other previous holders of a product,
  - b) indications on produced, processed, provided or ordered quantity and price of relevant goods or services.
- (3) To provide information pursuant to paragraphs (1) and (2) is obliged also the person who
  - a) has in possession products infringing rights pursuant to this Act,
  - b) exploits services infringing rights pursuant to this Act,
  - c) provides services exploited in activities related to infringement of rights pursuant to this Act, or
  - d) was indicated by a person mentioned in sub-paragraphs a) to c) as a person participating in a production, processing or distribution of products or providing services infringing rights pursuant to this Act.

### **Article 26**

- (1) A trademark owner may request from any person to refrain from using his trademark or sign interchangeable with his trademark for identical or similar goods or services and to withdraw thus marked items from market.
- (2) An owner of a well-known trademark entered into the Register may claim his rights under paragraph (1) regardless of identity or similarity of goods or services, if using of such trademark on other goods or services would indicate a connection between thus marked goods or services, and an owner of a registered well-known trademark and interests of an owner could be harmed by such using.
- (3) A trademark owner which has a reputation in the Slovak Republic, may claim rights pursuant to paragraph (1) regardless of identity or similarity of goods or services, if using of such trademark on other goods or services would take unfair advantage of, or be detrimental to, the distinctive character or the repute of such trademark.
- (4) If damage has been caused by infringement of rights from a trademark, aggrieved party shall have right to compensation including profit lost. If a non-pecuniary injury has been caused by infringement or jeopardising of rights from a trademark, aggrieved party shall have right to adequate satisfaction, which can be in form of pecuniary compensation. 4aa)
- (5) Disputes on rights from trademarks shall be heard and ruled by courts.

### **Article 26a**

- (1) On proposal court shall order that products, materials or instruments, by means of which rights protected by this Act are infringed or jeopardised, were
  - a) Recall from the channels of commerce,
  - b) definitely removed from the channels of commerce,
  - c) secured in other way by preventing further infringement or jeopardising of right; simple removal of a sign used unlawfully on a counterfeited product shall not be deemed to be a measure preventing from further infringement of right,
  - d) destroyed in an appropriate way.
- (2) Provisions pursuant to paragraph (1) shall be executed at expense of a person infringing or jeopardising rights protected by this Act, unless special circumstances give reason for other process.
- (3) Request pursuant to paragraph (1)(d) in the part related to process of destruction of objects shall not be binding for the court.
- (4) The court shall not confer right to provide information pursuant to Article 25a, if seriousness of jeopardising or infringement of right was inadequate to seriousness of consequences resulting from the fulfilment of obligation imposed in such way.

### **Article 26b**

- (1) In protection of rights pursuant to this Act the court may impose by a provisional measure<sup>4b)</sup> same obligations as in a decision on the merits of the case if any delay could cause to entitled person a hardly reclaimable pecuniary or non-pecuniary injury.
- (2) Within a decision on precaution the court may, also without request, impose a duty to a plaintiff to pay a deposit of an adequate amount or to implicate that decision comes into force by execution of an imposed duty. The court shall take into account, within its deciding on the amount of a warranty deposit, the seriousness of a pecuniary or non-pecuniary injury which can occur to the adverse party as well as assets of a plaintiff therewith that imposing a duty to pay a deposit shall not be the substantial impediment of efficient application of right.
- (3) The court may on request decide on giving warranty deposit over to the adverse party as a compensation of pecuniary or non-pecuniary injury in finance caused directly by execution of preliminary measures issued without adequate reason.
- (4) If within the period of six months from detection of injury occurrence pursuant to paragraph (3), compensation or satisfaction is not applied at court or an agreement on using the warranty deposit between parties is not concluded, the court shall refund the warranty deposit.

### **Article 27**

#### **Limitations of Trademark Rights**

- (1) A trademark owner shall have no right to prevent third parties to use a trademark on goods which have been placed on market with such trademark in the Slovak Republic by the owner himself or with his consent.
- (2) A trademark owner shall have no right to prevent third parties to use a trademark on goods which have been placed on market in a member state of the European Union or in other state of the European Economic Area with such trademark by the owner himself or with his consent.
- (3) Provisions of paragraphs (1) and (2) shall not apply if after placing goods on market an essential change or deterioration of its state or qualities occurred without an owner's fault.

### **Article 28**

#### **Obligations from trademarks**

- (1) A trademark owner shall be obliged to use a trademark, particularly on goods and on their packaging or on business documents, in promotion, advertising and publicity materials only in the form in which it is entered into the Register or in the form differing only in elements that do not change its distinctive character. Using a trademark by third party on basis of an agreement shall be considered as using a trademark by its owner.
- (2) A trademark owner shall be obliged to tolerate
  - a) if third parties use, in the course of trade , their name, surname, address or indications concerning kind, quality, quantity, purpose, value, geographical origin, date of production of goods or providing of services, or other characteristics of goods or services despite the fact that these indications are identical with or interchangeable with an owner's trademark or create a part of it; provided that these indications are being used in accordance with commercial uses and good manners in economic competition,

- b) if third parties use, in trade intercourse, a sign identical or interchangeable with an owner's trademark if it is necessary for designation of purpose of goods, particularly their accessories or spare parts, or kind of services, provided that it is being used in accordance with commercial practice and good manners in economic competition,
- c) if a user of an unregistered sign with local significance uses in the course of trade intercourse identical or interchangeable unregistered sign in the same extent whilst such using started before filing date of a trademark application.

### **Article 29**

#### **Assignment and transfer of trademark**

- (1) A trademark owner shall be entitled to assign his trademark by a written contract to a natural person or to a legal entity for all goods or services for which it has been registered or for part of them.
- (2) A trademark shall be transferred to a new owner in cases stipulated by special regulations.<sup>4)</sup>
- (3) The contract on assignment of a trademark and transfer of a trademark enters into effect *vis-à-vis* third parties on day of its entry into the Register. This entry shall be requested by an acquirer.

### **Article 30**

#### **Licence**

- (1) Licence agreement<sup>5)</sup> shall grant right to use a trademark for all goods or services for which a trademark has been registered or for only a part of them.
- (2) Licence agreement shall enter into effect *vis-à-vis* third parties on day of its entry into the Register. Entry of a licence agreement into the Register shall be requested by a trademark owner.
- (3) Licence agreement granting right to use a sign which is subject-matter of a trademark application shall be deemed, after entry of this sign into the Register, to be a licence agreement granting right to use a trademark, unless parties to a licence agreement agreed otherwise.
- (4) In case of infringement or jeopardising of rights protected by this Act, a licence holder shall have same rights as a trademark owner.

### **Right of lien**

#### **Article 31**

- (1) Right of lien<sup>6)</sup> on a trademark may be established.
- (2) Right of lien on a trademark shall be established on day of its entry into the Register. Pledge creditor shall be obliged to require registration of right of lien on a trademark. Pledge creditor shall be obliged to submit with the Office together with request for registration of right of lien on a trademark also an agreement on establishment of right of lien with officially verified signatures of parties.

### **Article 32**

- 1. Forfeiture of protection and change of a trademark owner

The Office shall, on proposal, forfeit a trademark from a trademark owner entered into the Register and shall enter proposing person as a trademark owner, provided that

- a) proposing person is a foreign trademark owner (Article 4 (1)d)),
- b) a trademark is identical or interchangeable with a foreign trademark and is registered for identical or similar goods or services,
- c) a foreign trademark has been registered as a trademark pursuant to letter (a) before filing an application of a trademark, and

- d) a trademark owner was in time of filing an application a sales representative (Article 4 (1)d)) of a foreign trademark owner and filed a trademark application in his name without a consent of a foreign trademark owner.

### **Article 33**

#### **Special rights and obligations from collective trademarks**

- (1) A collective trademark owner shall have rights and obligations with respect to that trademark in extent pursuant to Articles 24 to 32 unless stated otherwise.
- (2) Members of an association shall have rights pursuant to paragraph (1) in extent pursuant to an agreement.
- (3) Members of an association shall be entitled in their economic activities to sign goods or services also with a trademark of which they are owners or to which they have right to use on basis of licence agreement.

## **PART IV**

### **RELATIONS TO FOREIGN COUNTRIES, INTERNATIONAL REGISTRATION OF A TRADEMARK**

#### **Article 34**

##### **Relations to foreign countries**

- (1) Provisions of international treaties, agreements and conventions by which the Slovak Republic is being bound, shall not be affected by this Act.
- (2) Persons with their residence or seat within the territory of a member state to an international treaty<sup>1a)</sup> or within the territory of a member state to the World Trade Organization<sup>1b)</sup> shall have same rights and obligations as national applicants or trademark owners; if a state in which persons have residence or seat is not a member state to an international treaty<sup>1a)</sup> or to the World Trade Organization<sup>1b)</sup>, rights and obligations pursuant to this Act shall be conferred only under the condition of reciprocity.
- (3) Persons without permanent residence or seat within the territory of the Slovak Republic, shall be represented by authorised representatives in proceedings on trademarks<sup>8</sup>.

##### **International registration of a trademark**

#### **Article 35**

- (1) Persons with their permanent residence or seat in the Slovak Republic shall be entitled to apply for international registration of a trademark by the Office, or for registration of amendments related to international registration of a trademark pursuant to an international convention<sup>9</sup>.
- (2) An applicant requesting international registration of a trademark or registration of amendments related to international registration of a trademark shall be obliged to pay fees stated in accordance with an international convention<sup>9</sup> for actions pursuant to paragraph (1). Amount of a fee stated by an international convention shall be published in the Official Journal.

#### **Article 36**

- (1) International registration of a trademark with request for protection in the Slovak Republic shall have same effects as entry of a trademark into the Register performed by the Office.
- (2) Time limit for filing oppositions against providing protection for an internationally registered trademark shall begin on the first day of a month following the month in which a trademark was published in the Gazette of the World Intellectual Property Organization.



- (3) If protection for an internationally registered trademark has been refused in the Slovak Republic, such trademark shall be deemed to have never been registered in the Slovak Republic.

### **Community trademark**

#### **Article 36a**

- (1) An application for a Community trademark shall be filed with the Office which shall mark filing date and shall send it within 14 days to the Office for Harmonization in the Internal Market.
- (2) Community trademark registration shall have within the territory of the Slovak Republic same effects as registration of a trademark entered into the Register by the Office.
- (3) The Office shall supply an enforceable decision of the Office for Harmonisation in the Internal Market pursuant to a special regulation<sup>9a)</sup> with confirmation on enforceability.

#### **Article 36b**

##### **Conversion to a national trademark application**

- (1) The Office shall examine a request for starting national proceedings for conversion of a Community trademark application or a Community trademark to a trademark application pursuant to Article 109 of the Council Regulation<sup>2a)</sup>, if an applicant, within two months from delivery of an invitation:
  - a) submits translation of a request and of its supplements into Slovak language,
  - b) indicates a delivery address in the Slovak Republic, submits wording or two distinctive images of a trademark in A4 size suitable for reproduction with all details and with size of longer side at least 8 cm.
- (2) The Office shall examine whether a request is admissible in accordance with Article 110 (1) of the Council Regulation<sup>2a)</sup>. If a request is inadmissible, the Office shall refuse it.
- (3) Filing date and priority date, eventually seniority of a prior trademark claimed pursuant to Articles 34 and 35 of the Council Regulation<sup>2a)</sup> shall be conferred to an application arising from conversion of a Community trademark application.
- (4) In case of a trademark application arising from conversion of a Community trademark application, the Office shall enter such sign into the Register without publishing the application with priority right which has been conferred to a Community trademark; the Office shall publish this information in the Official Journal.

#### **Article 36c**

- (1) A national trademark owner, application of which had been filed in good faith and with priority right before accession of the Slovak Republic to the European Union, shall have right to prevent using a Community trademark, effects of which have been extended into the territory of the Slovak Republic on the base of access of the Slovak Republic to the European Union,
  - a) if such national trademark is identical with a Community trademark and goods or services, for which both trademarks has been registered, are identical, or
  - b) if, by reason of identity or interchangeability of such national trademark with a Community trademark a possibility of confusion of public and possibility of association with a national trademark exist and goods or services, to which trademarks are related, are identical or similar, or

- c) if such national trademark is identical or interchangeable with a Community trademark, has a reputation in the Slovak Republic and using of a Community trademark would take unfair advantage of, or be detrimental to, the distinctive character or the repute of such national trademark and goods or services, to which trademarks are related, are not identical or similar.
- (2) An owner of a national trademark referred to in paragraph (1) shall be entitled to request, for infringement of his rights, compensation of a damage which has occurred as a consequence of using of a Community trademark within the territory of the Slovak Republic within the extent stated in Article 26 (3).

## **PART V**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **Common Provisions**

##### **Article 37**

Proceedings on trademarks shall be governed by general provisions on administrative procedures<sup>10</sup> except provisions of Articles 19, 23, 28 to 30, 32 to 34, 39, 49, 50, 59 (1) and Article 60.

##### **Article 38**

- (1) An applicant or a trademark owner shall be party to proceedings on trademarks or collective trademarks (hereinafter referred to as “party to proceedings”).
- (2) An authorised person who has filed oppositions against entry of a sign as a trademark into the Register pursuant to Article 9, an authorised person pursuant to Article 32 and a person proposing cancellation of a trademark from the Register shall be party to proceedings.

##### **Article 39**

- (1) Every filing with the Office shall be in a written form in an official language.
- (2) A submission shall concern one trademark or one collective trademark only. In case of a request for permission to amend data concerning a person of a trademark or a collective trademark owner, a request for registration of assignment or transfer of a trademark, a request for registration of a representative or of changing a representative or a request for an error correction in a request, in the Register or in the Official Journal, one submission shall concern several trademarks of one owner.
- (3) Provision of paragraph (2) shall also apply to identical requests concerning several applications of one trademark applicant.
- (4) If a party to proceedings on trademarks who filed a proposal to start proceedings fails to comply with an invitation of the Office to remove deficiencies or to amend filing within specified time limit, the Office shall suspend the proceedings; a party to proceedings shall be notified about this consequence by the Office in advance. The Office shall also suspend proceedings on a request of a person that submitted a proposal to start proceedings.

## Article 40

### 2. Further proceedings

- (1) On the basis of request of a party to proceedings on extension of time limit set by the Office for performing an act filed before the expiry of such time limit, the Office is entitled to extend the time limit.
- (2) If a party to proceedings before the Office failed to comply with time limit for performing the act set by the Office, he is entitled to ask the Office for further proceedings and at the same time to perform the omitted act not later than two months from delivery a decision of the Office issued as a consequence of failure to comply with time limit.
- (3) Request shall be refused pursuant to paragraphs (1) or (2) in case of time limits pursuant to paragraphs (1), (2), Article 6(3), Article 9, Article 10(2) and (4), Article 13(2), Article 17(3), Article 40a(1) and Article 42(1) and in case of failure to comply with time limit pursuant to Article 10(3).
- (4) The Office shall refuse request for extension of time limit or for further proceedings which fails to comply with conditions pursuant to paragraphs (1) or (2) or to which prohibition pursuant to paragraph (3) is being related; before the request is refused, the Office shall enable the requester to respond to ascertained reasons on basis of which the request is to be refused.
- (5) If the Office satisfies the request for further proceedings, legal effects of decision issued as a consequence of failure to comply with time limit shall cease or shall not arise.
- (6) If the Office decides on request pursuant to paragraphs (1) or (2) within two months from its delivery, the request shall be deemed to be satisfied.

## Article 40a

### 3. *Restitutio in integrum*

- (1) If a party to proceedings before the Office unintentionally fails to comply with legal time limit or time limit for performing an act set by the Office whereas the consequence of failure to perform this act is proceedings suspension or forfeiture of other right, he is entitled to ask the Office for *restitutio in integrum* and at same time to perform the omitted act within two months from elimination of the impediment causing failure of performing the act at the latest within 12 months from expiry of non-complied time limit.
- (2) Party to proceedings shall be obliged to sustain request pursuant to paragraph (1) and to state facts preventing performing the act. The Office shall not take into consideration statements submitted after time limits pursuant to paragraph (1) expired in deciding about request.
- (3) In case of reasonable doubts about veracity of a statement pursuant to paragraph (2), the Office is entitled to invite the requester to prove his statements other way.
- (4) Request for *restitutio in integrum* shall not be satisfied in case of failure to comply with time limits for performing acts pursuant to Article 40(3).
- (5) The Office shall refuse request for *restitutio in integrum* which fails to comply with conditions pursuant to paragraphs (1) and (2), or it is not possible to be satisfied pursuant to paragraph (4), or the requester fails to prove his statements pursuant to paragraph (3); before the request is refused the Office shall enable the requester to respond to ascertained reasons on basis of which request is to be refused.

- (6) If the Office satisfies request for *restitutio in integrum*, legal effects of decision issued as a consequence of failure to comply with time limit shall cease or shall not arise.
- (7) Third party that has used a sign identical or interchangeable with applied sign or trademark in good faith within the territory of the Slovak Republic in time from validity of a decision issued as a consequence of failure to comply with time limit till forfeiture of legal effects of this decision pursuant to paragraph (6) shall be entitled to use this sign within his business activity without an obligation for remuneration for use of this sign.

**Article 40b**  
**Grounds for decision**

- (1) Party to proceedings before the Office shall be obliged to submit or propose evidence to support his statements.
- (2) The Office shall exercise evidence and evaluate evidence at its discretion, namely each evidence separately and all evidences in their mutual relations.
- (3) The Office shall decide on basis of facts ascertained from exercised evidences submitted or proposed by parties to proceedings.
- (4)

**Article 41**

- (1) The Office shall enable third parties to inspect a file on request, if they prove legal interest.
- (2) Right to a file inspection shall include right for making photocopies on payment.
- (3) On written request of a trademark applicant or owner, parts of file containing trade secret or other confidential information, publication of which is not necessary to secure right to information of third parties including parties to proceedings, shall be excluded from file inspection.
- (4) Rights pursuant to paragraphs (1) and (2) shall not be exercised in relation to parts of the file excluded pursuant to paragraph (3) , to record of voting and to parts of the file containing side notes or draft versions of decisions, measures or viewpoints.

**Article 42**  
**Remedies**

- (1) An appeal against decision of the Office may be lodged within one month from delivery of decision;
- (2) The Office shall be bound by scope of an appeal in deciding on it; this shall not apply
  - a) for matters in which proceedings can be started *ex officio*,
  - b) for matters of joint rights or obligations concerning several parties to proceedings on one side.
- (3) Reasoning of an appeal shall be filed with the Office within one month from date of appeal filing. Time limit for filing the reasoning of an appeal shall not be extended and its missing remitted.
- (4) Filing an appeal shall not be admissible against a decision by which a request for further processing or request for *restitutio in integrum* has been satisfied.

### **Article 43**

- (1) The Office shall keep the Register in which decisive data concerning trademarks are entered.
- (2) Data entered into the Register pursuant to paragraph (1) shall be considered valid unless a decision of a relevant authority states otherwise.
- (3) Changes in data entered into the Register ensuing from valid and enforceable decision of a relevant authority shall be entered without delay into the Register by the Office after delivery of decision with a validity clause.
- (4) Entry of data and facts ensuing from law or from decision of a relevant authority pursuant to paragraph (3) shall not be considered a decision issued in proceedings pursuant to provisions of the Code Administrative Procedure<sup>10</sup>.
- (5) The Office shall issue the Official Journal in which trademarks and collective trademarks applications pursuant to Article 8(5), as well as entries and renewals of entries of trademarks and changes in data of trademarks performed after entry of a trademark into the Register.

### **Authorising provision**

#### **Article 44**

1. Generally binding provision issued by the Office shall stipulate
  - a) details about requirements of an application and divisional application ,
  - b) details about requirements of a contract on using a collective trademark,
  - c) details about requirement of documents proving acquisition of distinctive capability of a trademark,
  - d) data in publishing a trademark application in the Official Journal,
  - e) details about requirements of oppositions against entry of a sign into the Register as a trademark,
  - f) data which shall be entered into the Register and published in the Official Journal after registration of a trademark,
  - g) details about requirements of a certificate, a duplicate, an abstract from the Register and document on priority right,
  - h) details about requirements of request for entry of other facts into the Register,
  - i) details about requirements of a proposal and request for cancellation of a trademark from the Register,
  - j) details about requirements for request for renewal of a trademark registration,
  - k) details about conducting files on a trademark application and on a registered trademark,
  - l) details about correction of errors,
  - m) details about requirements of request for entry of an international trademark and request for entry of changes into the International Register of Trademarks,
  - n) details about form of filing with the Office, about delivery and on filing via electronic means.

**Article 45**  
**Transitional provision**

- (1) Proceedings on trademarks applications, that have not been concluded before this Act comes into effect, shall be concluded in accordance with this Act, therewith that an applicant shall be obliged to harmonise his application with requirement pursuant to this Act within specified time limit.
- (2) Rights and relations from trademarks, entered into the Register before this Act comes into effect, shall be governed by provisions of this Act. Arising of these rights and relations as well as claims arising from them before this Act comes into effect shall be assessed in accordance with provisions effective in time of their arising.
- (3) A trademark owner, which has been declared famous by the Office pursuant to present regulations, may request cancellation of identical or interchangeable trademark under the conditions referred to in Article 23(3) of the Act No. 174/1988 Coll. on Trademarks within validity of a trademark up to ten years from entry of this Act into effect. During this period a famous trademark owner shall be entitled to apply oppositions against entry of an identical or interchangeable sign into the Register pursuant to Article 9, regardless of goods or services for which an affected sign being applied.
- (4) If the Office ascertains that a famous trademark fails to meet requirements stated in Article 18(1) of the Act No. 174/1988 Coll. on Trademarks, it shall reverse a decision on the declaration of a trademark to be famous.
- (5) If oppositions were filed pursuant to Article 9 of the present Act before February 1, 2004, an opponent shall be obliged to harmonise his oppositions with conditions pursuant to this Act within three months form entry of this Act into effect, otherwise they shall not be taken into consideration.

**Article 45a**

2. Legal acts of the European Communities and the European Union mentioned in Annex shall be adopted by this Act.

**Article 46**  
**Repealing Provision**

The following shall be repealed:

1. Act No. 174/1988 Coll. on Trademarks,
2. Decree of the Office for Inventions and Discoveries No. 187/1988 Coll. on Proceedings in Trademarks,
3. Article II. of the Act of the National Council of the Slovak Republic No. 90/1993 Coll. on Provision in the Field of Industrial Property

**Article 47**  
**Entry into effect**

This Act shall enter into effect on March 1, 1997.

The Act No 577/2001 Coll. entered into effect on January 1, 2002.

The Act No 14/2004 Coll. entered into effect on February 1, 2004 with exception of provisions of Article 4(3), Article 16(17), Article 27(3) and Article 36a to 36c, which entered into effect on day on which the Treaty on Accession of the Slovak Republic to the European Union becomes valid.

The Act No 344/2004 Coll. entered into effect on July 1, 2004.

The Act No 84/2007 Coll. entered into effect on March 1, 2007.

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## Notes:

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<sup>i</sup> e.g. Article 20(f) to 20(j) of Civil Code, Article 69 of Act No. 455/1991 Coll. Trade Licensing Act as amended, Act No. 83/1990 Coll. on Citizens associations as amended

<sup>1a)</sup> Paris Convention on the Industrial Property Protection from March 20, 1883, revised in Brussels on December 14, 1900; in Washington, D.C. on June 2, 1911; in The Hague on November 6, 1925; in London on June 2, 1934; in Lisbon on October 31, 1958 and in Stockholm on June 14, 1967, promulgated by the Decree of the Minister of Foreign Affairs No. 64/1975 Coll. and amended by the Decree of the Minister of Foreign Affairs No. 81/1985 Coll.

<sup>1b)</sup> Communication of the Ministry of Foreign Affairs of the Slovak Republic No. 152/200 Coll. on concluding the Agreement Establishing the World Trade Organization

<sup>1c)</sup> e. g. Articles 566 to 590 and 642 to 672 of the Commercial Code

<sup>2</sup> Article 6bis of the Paris Convention on the Industrial Property Protection from March 20, 1883, revised in Brussels on December 14, 1900; in Washington, D.C. on June 2, 1911; in The Hague on November 6, 1925; in London on June 2, 1934; in Lisbon on October 31, 1958 and in Stockholm on July 14, 1967, promulgated by the Decree of the Minister of Foreign Affairs No. 64/1975 Coll. and wording by the Decree of the Minister of Foreign Affairs No. 81/1985 Coll.

<sup>2a)</sup> Council regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark. Council regulation (EC) No 3288/94 of 22 December 1994 amending Council regulation (EC) No 40/94.

<sup>3</sup> The Nice Convention on International Classification of Goods and Services for the Purposes of Mark Registration from June 15, 1957; revised in Stockholm on July 14, 1967 and in Geneva on May 13, 1977, promulgated by the Decree of the Minister of Foreign Affairs No. 118/1979 Coll. and amended by the Decree of the Minister of Foreign Affairs No. 77/1985 Coll.

<sup>4</sup> e. g. Articles 69, 479 and 487 of the Commercial Code, Article 460 and 469 of the Civil Code, Article 12 to 17 of the Act No. 111/1990 Coll. on state enterprise as amended

<sup>4a)</sup> Decree of the Industrial Property Office of the Slovak Republic No. 117/1997 Coll., on implementation of the Act No. 55/1997 Coll. on Trademarks

<sup>4b)</sup> Articles 74 to 77 and Article 102 of The Rules of Civil Procedure

<sup>7</sup> Article 40 of the Act No. 237/1991 Coll. on Patent Representatives as amended

<sup>8</sup> Madrid Agreement Concerning the International Registration of Marks from April 14, 1891; revised in Brussels on December 14, 1900; in Washington, D.C. on June 2, 1911; in The Hague on November 6, 1925; in London on June 2, 1934; in Nice on June 15, 1957 and in Stockholm on July 14, 1967 promulgated by the Decree of the Minister of Foreign Affairs No. 65/1975 Coll. amended by the Decree of the Minister of Foreign Affairs No. 78/1985 Coll.,

Communication of the Ministry of Foreign Affairs of the Slovak Republic No 267/1998 Coll. on conclusion of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

<sup>9</sup> Madrid Agreement Concerning the International Registration of Marks from April 14, 1891; revised in Brussels on December 14, 1900; in Washington, D.C. on June 2, 1911; in The Hague on November 6, 1925; in London on June 2, 1934; in Nice on June 15, 1957 and in Stockholm on July 14, 1967 promulgated by the Decree of the Minister of Foreign Affairs No. 65/1975 Coll. amended by the Decree of the Minister of Foreign Affairs No. 78/1985 Coll.,

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Communication of the Ministry of Foreign Affairs of the Slovak Republic No 267/1998 Coll. on conclusion of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

<sup>9a)</sup> Section 82 of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.

<sup>10)</sup> Act No. 71/1967 Coll. On Administrative Proceedings (the Administrative Code)

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