

## NEWSLETTER: Modification of the Spanish Trademark Law

**On May 1, 2019, the Royal Decree 306/2019 of April 26 entered into force, which modifies some articles of the Regulations of the Trademark Law (that has been recently amended).**

Among the main changes, the following ones are mentioned:

### 1. Regarding the opposition procedure against a trademark application.

In oppositions against new trademark applications (filed as from 1.05.2019), the trademark applicant may require the opponent to provide proof of use of its opposing trademark during the five years prior to the date of application or priority of the new trademark.

### 2. Regarding the representation of the trademark.

As a consequence of the deletion of the requirement of graphic representation of trademarks, the representation requirements for the following trademarks are established:

- Standard word marks
- Figurative marks
- Three-dimensional marks
- Position marks
- Pattern marks
- Color marks
- Sound marks
- Marks of movement
- Multimedia marks
- Hologram marks

### 3. List of products and services

It is required that the products and services are identified with sufficient clarity and precision for the competent authorities and economic operators to determine exactly the scope of protection of the sign in question.

### 4. Nomenclature

Community Trademarks have changed into **European Union Trade Marks** and Office for the Harmonization of the Internal Market (OHIM) into to **European Union Intellectual Property Office (EUIPO)**.

### 5. Regulation of the administrative procedures of invalidity and cancellation.

As of **January 14, 2023**, the administrative procedures of invalidity and cancellation will be resolved before the Spanish Patent and Trademark Office as a consequence of the competence granted to this Office, as per the modification of the Spanish Trademark law.

### 6. Entry into force.

The Royal Decree 306/2019 of April 26, published on April 30, 2019, becomes effective the day after its publication, that is, on **May 1, 2019**.

We are at your disposal for any information or clarification that you may need on this matter, kind regards.



Consell de Cent 415 08009 Barcelona – España – Teléfono +34 93 2651469

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