

Registration of Trade Marks

REGISTRATION OF TRADE MARKS IN SWEDEN

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The registration of trade marks in Sweden is governed by "Varumörkeslagen" (1960:644).

In Sweden it is possible to achieve protection for a trade mark either through registration or through being well-established. It is also possible to apply for registration of an international trade mark according to the Madrid Agreement concerning the international registration of marks ("Madrid Protocol") as well as of an EC mark according to the EC Directive 89/104. This memorandum is limited to the registration procedure for a national trade mark in Sweden.

Registration of a national trade mark requires an application to "Patent- och registreringsverket" (PRV). If the applicant does not live or have its registered office in Sweden he/she/it has to engage an agent living in Sweden to draft the application. It is in most cases, even when the applicant is living or has its registered office in Sweden, advisable to engage a lawyer or a trade mark agent in drafting the application.

The application must define which goods and/or services the trade mark is applicable to. It must also define the class for which trade mark protection is sought in accordance with one or more of the 45 different classes defined in the "Nice-classification list".

It is advisable to use the specific application form which is available free of charge from PRV. The application can be made by fax but must in this case also be confirmed and delivered in original.

The application cost is currently SEK 1.200 for one class, and SEK 500 for each additional class. The fee to the representative depends very much on the case as it.

If the applicant has applied for registration (or has received a registration) in another country of the same trade mark for which protection is sought in Sweden the first application date is considered as priority date if the Swedish application is made within six months from the first application.

The registrar at PRV examines the application to ascertain whether the mark is distinctive and searches also the register for any existing marks which are conflicting with the one applied for. If there are any objections the applicant is allowed time to try and overcome those objections. If there are no objections the trade mark will be registered (normally within around three months from the application date).

The trade mark is protected for a period of ten years from the date of registration. Application for renewal of the trade mark can be made for ten years at the time and must be lodged prior to the expiry of the ten year period.

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