



JORNAL DE SANCRATOSIA

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CLOE

BY THE WILL OF THE PEOPLE
SOVEREIGN PRINCESS OF SANCRATOSIA

We Promulgate this present law, that the National Council adopted in its session of 31 January 2024;

TITLE I. OF THE RIGHT TO OWN A TRADEMARK

SECTION I. GENERAL DISPOSITIONS

ARTICLE 1.

Are considered as trademarks, patronymic names, pseudonyms, geographical names, arbitrary or fanciful denominations, the characteristic shape of the product or its packaging, labels, envelopes, emblems, imprints, stamps, seals, vignettes, edgings or pipings, designs, reliefs, letters, figures, currencies and, in general, all material signs used to distinguish the products, objects or services of any enterprise.

Titulars of patronymic names cannot forbid the use to homonyms of good faith as the commerce name of

the enterprise they manage, but they can request the Courts to regulate the use that would infringe to their rights.

ARTICLE 2.

Cannot be considered as trademarks :

1. the signs contrary to public order or morality;
2. those prohibited, in accordance with the dispositions of international conventions, enforceable in Sancratosia, ensuring the protection of industrial property.

In addition, cannot be considered as trademarks :

1. those which consist exclusively of a sign or indication that, in the common language or in loyal and constant habits of commerce, has become a customary designation of the considered goods or services;
2. those containing statements likely to mislead the public;
3. those who consist exclusively of a sign or indication which may serve, in the commerce, to designate the kind, the quality, the quantity, the intended purpose, the value, the place of origin or the time of production of the goods or the rendition of services.

SECTION II. OF THE FILING, REGISTRATION AND PUBLICATION OF TRADEMARKS

ARTICLE 3.

Ownership of a trademark is acquired through first public and well-known use.

However, no one may claim exclusive ownership of a trademark if, under the conditions determined by ministerial decree, they have not filed it with the Registry of Authorship and obtained registration.

ARTICLE 4.

The exclusive ownership of a trademark that is duly registered and effectively exploited may no longer be contested by the first applicant on the basis of priority of use if, for at least five years from the publication provided for in Article 7, it has not given rise to any recognized action.

The first user who has allowed the above-mentioned period to elapse without bringing their claim before the courts must cease using the trademark no later than three years after the formal notice served by extrajudicial act at the request of the applicant.

There is no time limit for requesting the cancellation or prohibition of the use of trademarks registered or used in bad faith.

ARTICLE 5.

The owner of a well-known trademark within the meaning of the provisions of the international conventions referred to in Article 2 may request the cancellation of the registration or the prohibition of the use of a trademark that is likely to cause confusion with his own.

The action for cancellation of the registration must be brought within five years of the date of registration where the applicant's good faith is established.

ARTICLE 6.

The filing of a trademark and the examination of its application for registration shall be carried out under the conditions laid down by Sovereign Ordinance.

The registration of the trademark or the decision to reject the application, where it is contrary to the provisions of Article 2, must be made within three months of the date of filing.

The decision to reject shall be reasoned; it shall be pronounced by the Minister of State and notified to the applicant.

ARTICLE 7.

An insertion in the *Jornal de Sancratosia* will publicize the registered trademarks.

Notices relating to these trademarks will be communicated free of charge upon request.

Any person may obtain a photographic reproduction of said notices upon reimbursement of the corresponding costs.

ARTICLE 8.

The registration of a trademark shall be valid for ten years from the date of registration; ownership of the trademark may be retained indefinitely by successive registrations made under the same conditions as the first.

The renewal of registration, which takes effect on the expiry date of the previous registration, must be made before that date or, at the latest, within six months thereafter.

ARTICLE 9.

When renewing a registration, no changes may be made to the trademark or to the list of goods or services for which the trademark is registered, subject to the right of the owner to limit this list.

ARTICLE 10.

Trademarks or registered trademarks may be subject, in whole or in part, either separately or concurrently with the business or trade name they are used to distinguish, to any transfer of ownership or use, pledge, or seizure.

Transfers and pledges must be recorded in writing.

ARTICLE 11.

The legal acts referred to in the previous article shall only be enforceable against third parties after they have been entered in a special register kept by the Registry of Authorship.

A copy of these entries shall be issued to any person who requests it.

The procedures for registration and the issuance of copies shall be determined by ministerial order.

ARTICLE 12.

An applicant who intends to renounce the use of the trademark in whole or in part must make a written declaration to the Registry of Authorship; this shall be entered in the special register and published in the *Jornal de Sancratosia*.

ARTICLE 13.

Foreign nationals who own an industrial or commercial establishment in Sancratosia shall enjoy the benefits of this law by completing the formalities set out therein.

Foreign nationals whose establishments are located outside Sancratosia shall also benefit from this law for the products or services referred to in Article 1 if, in the countries where they are located, the domestic legislation of those countries or international conventions ensure reciprocity for Sancratosian trademarks.

SECTION III. OF COLLECTIVE TRADEMARKS

ARTICLE 14.

The State, the municipality, public institutions, as well as trade unions, unions of trade unions, associations or groups of producers, manufacturers, and merchants, provided they have a legally constituted administration and legal capacity, may, for purposes of general interest, industrial, commercial, or economic, or to promote the development of trade or industry among their members, own collective trademarks of manufacture, trade, or service.

Subject to the following requirements, these marks shall be governed by the provisions of this Law and by those adopted for its application.

ARTICLE 15.

Collective trademarks are affixed either directly by the legal entity as a means of control on certain products or objects, or by its members, under its supervision and under specific conditions, on the products they manufacture or produce or on the objects they trade in.

ARTICLE 16.

The filing of a collective trademark must include

regulations determining the conditions under which the mark may be used.

Any amendment to the regulations filed shall be submitted to the Registry of Authorship, which shall enter it in the special register: a notice concerning it shall be published in the *Jornal de Sancratosia*.

The provisions of the second and third paragraphs of Article 7 shall apply to the regulations.

ARTICLE 17.

Persons entitled to use a collective trademark may exercise the other rights attached to it only in the event of default by the legal entity that is the owner of the collective trademark and on condition that they bring proceedings against it.

ARTICLE 18.

Without prejudice to the application of the provisions of the international conventions referred to in Article 2, foreign legal entities authorized to take legal action in their country of origin and falling within one of the categories referred to in Article 14 shall enjoy the benefits of this law for collective trademarks duly filed or registered in their country of origin, if Sancratosian collective trademarks enjoy reciprocal protection in that country.

ARTICLE 19.

Holders of trademarks filed or registered in accordance with the provisions of the international conventions referred to in Article 2 must, in order to avail themselves of this law, submit the trademark regulations to the Registry of Authorship within six months of filing the registration. These regulations must be accompanied, where applicable, by a translation into Lingua Franca Nova.

The filing of the regulations shall be entered in the special register and published in the *Jornal de Sancratosia*.

ARTICLE 20.

The collective trademark may not be transferred, either in ownership or in use, nor may it be pledged or subject to any enforcement measures.

ARTICLE 21.

The registration of a collective trademark may be canceled:

- when the legal entity or organization ceases to exist;
- when the owner has used, or recently allowed the use of, its mark in conditions other than those provided for in the regulations;
- when it fails to comply with the provisions of this section;
- when the regulations contain provisions contrary to public policy or morality.

In the event of cancellation, the collective trademark may not be appropriated for the same goods or services for a new application, nor may it be used in any capacity whatsoever. However, at the end of a period of ten years, the collective trademark may be re-registered as such by a legal entity with a similar purpose.

SECTION IV. OF THE APPLICABLE FEES TO CERTAIN FORMALITIES

ARTICLE 22.

The following are subject to the payment of fees:

1. the filing of a trademark: where the goods or services concern several classes of the nomenclature in force under the international conventions referred to in Article 2, additional fees are payable if the goods or services for which the trademark is to provide protection extend over more than three classes;
2. the renewal of the registration: if the renewal is made within six months of the expiry date of the registration, an additional fee is payable;
3. the entries in the special register and the issue of copies of such entries.

The amounts of the fees are set by Sovereign Ordinance.

TITLE II. OF THE JUDICIAL PROTECTION OF TRADEMARKS

SECTION I. OF THE PENAL PROTECTION

ARTICLE 23.

The following shall be punished by imprisonment for six months to three years and the fine provided for in the Criminal Code:

1. those who have counterfeited a trademark or those who have fraudulently affixed a trademark belonging to another person;
2. those who have used a trademark without the authorization of the interested party, even with the addition of words such as "formula, style, system, imitation, type." However, the use of a trademark by accessory manufacturers to indicate the intended use of the product is not punishable;
3. those who have possessed, without legitimate reason, products that they know to be bearing a counterfeit or fraudulently affixed trademark, or those who have knowingly sold, offered for sale, supplied, or offered to supply products or services under such a trademark;
4. those who knowingly deliver a product or provide a service other than that requested under a registered trademark.

ARTICLE 24.

The following shall be punished by imprisonment for three months to one year and by the fine provided for in the Criminal Code:

1. those who, without counterfeiting a registered trademark, have made a fraudulent imitation of it that is likely to deceive the purchaser or have used a fraudulently imitated trademark;
2. those who knowingly make any use of a registered trademark bearing indications likely to mislead the purchaser as to the nature, substantial qualities, composition or content of useful ingredients, type or origin of the designated object;
3. those who have possessed, without legitimate reason, products that they know to be bearing a fraudulently imitated trademark, or those who

have knowingly sold, offered for sale, supplied, or offered to supply products or services under such a trademark.

ARTICLE 25.

Regardless of the application, where applicable, of the preceding articles, the penalties set out in Article 24 shall be imposed on:

1. those who have knowingly made any use of a collective trademark under conditions other than those prescribed in the rules of use accompanying the registration of that mark;
2. those who knowingly sell or offer for sale one or more products bearing a collective trademark that is used improperly;
3. those who knowingly make any use, within ten years from the date of cancellation of a collective trademark, of a mark that reproduces or imitates said collective trademark;
4. those who, within ten years of the date of cancellation of a collective trademark, have knowingly sold, offered for sale, supplied, or offered to supply products or services under a mark that reproduces or imitates that collective trademark.

ARTICLE 26.

The penalties set out in Articles 23, 24, and 25 may be doubled in the event of a repeat offense.

A repeat offense occurs when the defendant has been convicted of one of the offenses provided for in this law within the previous five years.

ARTICLE 27.

The confiscation of products whose trademark is found to be contrary to the provisions of Articles 23, 24, and 25 may, even in the event of acquittal, be ordered by the court, as well as the confiscation of the instruments and utensils specifically used to commit the offense.

The court may order that the confiscated products be returned to the owner of the counterfeit or fraudulently affixed or imitated trademark, without prejudice to further damages, if applicable.

In all cases, it shall order the destruction of trademarks found to be contrary to the above provisions.

SECTION II. OF THE CIVIL PROTECTION

ARTICLE 28.

The owner of a trademark may, by order of the president of a court of first instance, have any bailiff proceed with the designation and detailed description, with or without seizure, of the goods or services that he claims are marked to his detriment in violation of the provisions of this law.

The order shall be made upon presentation of the official registration certificate for the trademark or a certificate of filing with the Registry of Authorship for the trademark in question. It shall include, where appropriate, the appointment of an expert to assist the bailiff in his description.

Where seizure is required, the order may require the applicant to deposit a sum of money before proceeding with the seizure.

A copy of the order and, where applicable, the document certifying the deposit of money shall be left with the holder of the items described or seized, failing which the bailiff shall be liable to nullity and damages.

In the case of ascertaining a substitution of a product or service, the bailiff shall only be required to produce the order after delivery of the product or provision of the service and, if the order authorizes several ascertainties of the substitution, after the last delivery or provision of the service.

ARTICLE 29.

If the applicant fails to bring proceedings, either civil or criminal, within a period of fifteen days, the description or seizure shall be null and void, without prejudice to any damages that may be claimed where applicable.

ARTICLE 30.

In the event of criminal proceedings, if the defendant raises issues relating to the ownership of the trademark in his defense, the court hearing the case shall rule on the objection.

All other actions relating to trademarks shall be brought before the court of first instance.

The total or partial cancellation of the registration of a trademark that contravenes the provisions of this law may be ordered either at the request of the public prosecutor or at the request of any interested party.

ARTICLE 31.

Holders of family names or trade names who request that the use of these names by homonyms acting in good faith be regulated shall proceed as mentioned in Article 28.

TITLE III. TRANSITIONAL PROVISIONS

ARTICLE 32.

Rights acquired prior to the date of publication of this Law shall be maintained.

TITLE IV. FINAL DISPOSITIONS

ARTICLE 33.

The present law is promulgated and executed as a law of the State.

The Government Council is responsible of its publication in the *Jornal de Sancratosia*.

Promulgated in Our Princely Palace in Sancratosia on one February two thousand twenty-four.