

Track Changes

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September 2020

PROPRIETORS OF ROMANIAN TRADEMARKS MAY CLARIFY THE SCOPE OF GOODS AND SERVICES BY 30 SEPTEMBER 2020

UPDATE OF TRADEMARKS LAW NO. 84/1998

Romanian Trademarks Law no. 84/1998 has been recently and substantially amended through Law 112/2020 which came into force on 12.07.2020. This is a transposition of Directive (EU) 2015/2436 to approximate the laws of the Member States relating to trademarks.

An important amendment confirms that when class headings are used to designate the scope of protection in trademark applications, they will not be interpreted as covering all goods or services in their class but will rather be interpreted literally.

For example, if the trademark designates only the heading of Class 35 (Advertising; business management; business administration; office functions), by literal interpretation it will not be considered to cover retail or wholesale.

Proprietors of existing trademark registrations using class headings in Romania have the possibility of clarifying the relevant scope before the deadline of **30 September 2020**. This is possible only if the goods or services clarified and which are in excess of the literal sense were available in the alphabetical list of the respective class of the Nice Classification Edition in force at the date when the trademark application was filed.

This clarification is performed through a statement with the State Office for Inventions and Trademarks ("SOIT") clearly and precisely indicating the goods or services intended to be covered. The procedure to be followed by the SOIT has recently been adopted through Instruction 212924/26.08.2020 pending to be published with the SOIT official website.

Accordingly, it is advisable for proprietors of Romanian trademarks to review their trademark portfolio and where necessary clarify the scope of the registration.

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