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## FRANCE




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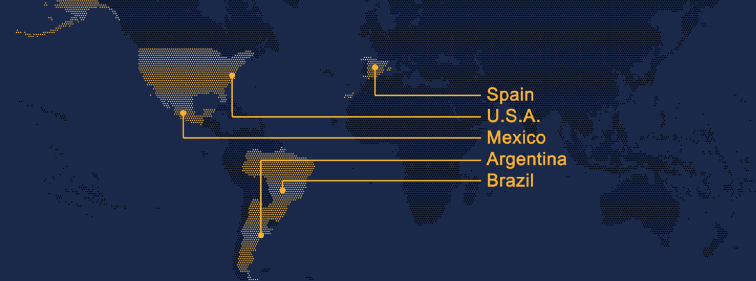
### REFORM OF THE TRADEMARK LAW BY MEANS OF DECREE N° 2019-1316 OF DECEMBER 9TH, 2019

France, by means of Decree no. 2019-1316 of the 9th of December 2019 has modified its national legislation for trademarks in order to adapt to the established obligations of E.U. Directive 2015/2436 of the 16th of December 2015.

Although this necessary modification was delayed, since the deadline imposed in the aforementioned E.U. Directive expired this January of 2019, finally, after much discussion between all of the interested sectors and the relevant authorities (both political and legislative), Decree no. 2019-1316 of the 9th of December was dictated, with respect to trademarks for goods and services.

The reform follows the same lines as the referenced E.U. Directive and those which are already being adopted by each of the different Member States.

As a summary of the content of said reforms, we can point out that so-called unconventional trademarks are accepted from now on. This is done by eliminating the requirement of graphic representation of trademarks and passing to the acceptance of any representation in the registry in an appropriate form and by any technological medium which is commonly available, provided that it is presented in the registry in a manner which is clear, precise, easily accessible, intelligible, lasting and objective. Of course, it is specified that the representation of the mark is not acceptable by simply depositing a sample.



In the opposition proceedings for new filings based on prior rights, the principle of contradiction has been established, that is to say, the intervention of all interested parties in the proceedings. This will grant the possibility of each party to contest and answer the documents and arguments presented by the other at any point in time.

Likewise, within the framework of an opposition procedure, the applicant of the new mark may request the opponent to present the necessary evidence for the accreditation of the effective use of the mark and, therefore, the registration upon which the opposition complies with the legal requirements of use established in the Law. With this, the requirements of the E.U. Directive are complied with, and the procedure is adapted to what is already normal practice for European

Union trademarks before EUIPO, as well as in the rest of the Member States; among others Spain has already established this procedure since last May.

As another point, collective and certification marks will also be regulated.

Finally, pertaining to an important update, the nullity and revocation of marks by the administrative route has been instated, that is, before the French National Institute of Intellectual Property, instead of the previously necessary judicial route. This new ability will enter into effect from the 1st of April 2020, therefore, the French legislation is ahead of the requirements established in the aforementioned E.U. Directive, since, as it will occur in Spain, said obligation could be deferred until January 2023.

The Decree on which we are commenting entered into effect on the 11th of December 2019; as such it is for immediate application.