

No. 1 Italian Trademark Opposition Filed by SIB

By Andrea Klein, SIB Società Italiana Brevetti, Italy

Italian trademark opposition No. 1 was filed on 19 July 2011. Italian practitioners are waiting to find out which standards the newly trained examiners will apply, and whether the Italian Patent and Trademark Office will be able to issue opposition decisions within the appointed time limits.

The first opposition against an Italian trademark application, which received the number 1/2011 from the Italian Patent and Trademark Office, was filed on 19 July 2011 by a trademark holder of Italian nationality.

The opposed trademark does not seem to have been used on the market yet, making opposition No. 1 a good example of the possible advantages of opposition proceedings: an immediate reaction against an application for a trademark which has not yet been put to use is more likely to be effective in stopping any activity potentially infringing earlier rights with a minimum of effort and cost.

Trademark opposition proceedings only became available on 8 July 2011 in Italy, the last European country to introduce them. Over the last two years the Italian Patent and Trademark Office has made a tremendous effort to make this possible: the backlog of trademark applications awaiting registration was completely cleared in 2010 with the office registering three times as many trademarks as on previous years. Examiners have been trained especially. Italian trademark attorneys are waiting to find out which standards will be applied by the new examiners, and whether the reorganised Italian Patent and Trademark Office will pass the test of meeting time limits set for issuing opposition decisions. However no major delays or setbacks are expected although the first few months may still require a few adjustments.

For more information, please contact:

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Andrea advises major multinational corporations and Italian companies on trademark and copyright issues; he manages Italian, Community and International trademark applications, deals with trademark clearance, filing and prosecution. He regularly counsels the Italian Patent and Trademark Office on trademark classification issues. He is an active member of INTA, taking part in the association's Trademark Office Practices Committee, OHIM Subcommittee. Andrea is also a member of the Italian Industrial Property Consultants Institute.)