

Serbia Adopts New Trademark Law, Introduces Opposition System

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On January 24, 2020, the Serbian National Assembly adopted a new trademark law, which enters into force on February 1, 2020 and introduces the trademark opposition system, which will exist alongside the current ex officio examination on absolute and relative grounds.

If the application successfully passes the examination on absolute and relative grounds, it will be published in the Serbian IPO's Official Gazette. Interested parties can file an opposition based on relative grounds for refusal within three months from the application's publication date. Additional evidence will be accepted after the deadline only if the IPO considers it relevant for deciding on the merits of the opposition and if the opponent proves that the delay is excusable.

The applicant may submit a written response within 60 days from receiving the opposition notice. If the applicant does not respond, the opposition will be accepted. The applicant may require the opponent to prove that their earlier trademark was used in Serbia during a period of five years prior to the application's filing date or its priority date. If the opponent does not file evidence in support of his opposition, the opposition will be refused. If it is determined that the earlier trademark was only used for some of the goods/services it was registered for, it will be deemed to be registered for only those goods/services.

Opposition proceedings may be temporarily suspended, for up to 24 months, if both parties agree to a cooling-off period, which is requested to allow negotiations to take place.

Under the previous law, interested parties objecting to the registration of a trademark on absolute and relative grounds could only file a written observation. The IPO was not required to take written observations into consideration, and persons who filed them did not become party to the proceedings. The new law retains the observation system, which will exist alongside the opposition system.

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