

Amendments to the Icelandic Trademarks Act

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On 1 September 2020, Icelandic act no. 71/2020, amending the Icelandic Trademarks Act no. 45/1997, entered into force. The amendment act was approved by the Icelandic Parliament on 12 June 2020. The act implements the European Union trademark directive 2015/2436 into Icelandic law. It contains various new provisions and harmonizes the EU and EEA trademark systems, not only regarding trademarks but also regarding collective marks and guarantee and certification marks. Also, on 1 September 2020, a new supplementary Trademarks Regulation no. 850/2020 entered into force in Iceland, replacing the older Trademarks Regulation no. 310/1997.

Among the main amendments of the act are:

- Trademarks must no longer be graphically represented. Now, signs can be represented in any appropriate form using generally available technology, if the representation is clear, precise, self-contained, easily accessible, intelligible, durable and objective.
- The above opens the possibility of the registration of non-traditional trademarks, such as colours, sounds, holograms and animations.
- From 1 September 2020, the protection period for trademarks is ten years from the application date. The duration of the registration of older trademarks does not change.
- Trademarks are vulnerable to revocation if they have not been used for five years from the registration date or for a continuous period of five years thereafter. The use requirement is thus counted from the final registration date and therefore trademarks will not receive a registration date until after the registration process. If an opposition is lodged against a trademark that has been approved by the Icelandic Intellectual Property Office, the trademark will not receive a registration date until after the finalisation of the opposition proceedings, and possible court proceedings thereafter, only then commencing the five-year use requirement period.
- Registration requirements of trademarks are clarified, and refusal grounds divided into absolute grounds for refusal and relative grounds for refusal. Furthermore, the provision to reject a trademark application on the grounds that it was submitted in bad faith has been clarified.
- Any third-party has the right to file observations prior to registration without having a legitimate interest in the matter and without becoming a party to the proceedings.
- Non-use of a trademark is now acceptable as a defence in opposition proceedings.

- Revocation and invalidity procedures, which now follow the same procedure, have been separated into different procedures. A trademark can be declared invalid with legal effect from the date of filing but revoked with legal effect from the date of application for revocation.

For more information, please contact:



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Attorney, María Kristjánsdóttir, joined LEX in 2008 after completing her post graduate degree at Fordham University. María has several years' experience in IP law, specifically in all areas of trademarks. Since 2020, María has been the Deputy Managing Director of GH Intellectual Property, an IP boutique wholly owned by LEX. In addition to IP law, Ms Kristjánsdóttir has wide-ranging experience in data protection matters and holds a CIPP/E certification as an information privacy professional. Ms Kristjánsdóttir is an active member of INTA, in particular as a member of the Data Protection Committee.