

CAP. 268.

CYPRUS

TRADE MARKS

CHAPTER 268 OF THE LAWS

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CHAPTER 268.

TRADE MARKS.

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A LAW TO AMEND THE LAWS RELATING TO TRADE MARKS.

[25th January, 1951.] 2 of 51.

1. This Law may be cited as the Trade Marks Law. Short title.

DEFINITIONS.

2. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the appointed day” means the date of the commencement of this Law.

Interpretation.

“ assignment ” means assignment by act of the parties concerned;

“ the Court ” means the Supreme Court of Cyprus;

“ limitations ” means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor thereof, including limitations of that right as to mode of use, as to use in relation to goods to be sold, or otherwise traded in, in any place within Cyprus, or as to use in relation to goods to be exported to any market outside Cyprus;

“ mark ” includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof;

“ permitted use ” has the meaning assigned to it by subsection (1) of section 29;

“ prescribed ” means, in relation to proceedings before the Court, prescribed by Rules of Court, and, in other cases, prescribed by this Law or any rules made thereunder;

“ the register ” means the register of trade marks kept under this Law;

“ registered trade mark ” means a trade mark that is actually on the register;

“ registered user ” means a person who is for the time being registered as such under section 29;

“ the Registrar ” means the Official Receiver and Registrar and includes any other person appointed by the Governor to exercise all or any of the powers and perform all or any of the duties of a Registrar;

“ rules ” means rules made by the Governor in Council under section 37 or section 38;

“ trade mark ” means a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the mark, whether with or without any indication of the identity of that person;

“ transmission ” means transmission by operation of law, devolution on the personal representative of a deceased person, and any other mode of transfer not being assignment.

(2) References in this Law to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and references therein to the use of a mark in relation to goods shall be construed as references to the use thereof upon, or in physical or other relation to, goods.

REGISTRATION, INFRINGEMENT AND OTHER SUBSTANTIVE PROVISIONS.

The register.

3. (1) There shall continue to be kept at the Office of the Registrar for the purposes of this Law the record called the register of trade marks, wherein shall be entered all registered trade marks with the names, addresses and descriptions of their proprietors, notifications of assignments and transmissions, the names, addresses and descriptions of all registered users, disclaimers, conditions, limitations, and such other matters relating to registered trade marks as may be prescribed.

The register of trade marks.

(2) The register shall continue to be divided into two parts called respectively Part A and Part B.

(3) The register shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed.

(4) The register shall be kept under the control and management of the Registrar.

Effect of registration and the action for infringement.

4. No person shall be entitled to institute any proceeding to prevent, or to recover damages for, the infringement of an unregistered trade mark, but nothing in this Law shall be deemed to affect rights of action against any person for passing off goods as the goods of another person or the remedies in respect thereof.

No action for infringement of unregistered trade mark.

5. A trade mark must be registered in respect of particular goods or classes of goods, and any question arising as to the class within which any goods fall shall be determined by the Registrar, whose decision shall be final.

Registration to be in respect of particular goods.

6. (1) Subject to the provisions of this section, and of sections 9 and 10, the registration (whether before or after

Right given by registration in Part A, and