

# Germany has modernized its trade mark

On 14 January 2019, several changes to the German Trade Mark Act have come into force. These changes implement the EU Directive of 16 December 2015 to further approximate the trade mark laws of the EU Member States in Germany.

The most relevant amendments are:

- Trade marks do no longer need to be **graphically represented**; sounds, video sequences, and combinations thereof, but also movements and holograms can be represented by submitting audio and video files.
- The ground for refusal of protection for trade marks which consist exclusively of shapes that result from the nature of the goods applied for, that perform a purely technical function, or that add value to the goods is extended to cover not just shapes, but **any characteristic** which is intrinsic to the goods applied for.
- **Geographical indications** and designations of origin, traditional terms for wine and specialities, and plant variety denominations can be absolute grounds for the refusal of trade mark protection.
- The **certification mark** is introduced as new kind of trade mark.
- **Licenses** can be registered.
- **Goods in transit** are covered by the scope of protection of a trade mark.
- **Proof of use** in opposition proceedings needs to predate the application or priority date of the opposed trade mark.
- **Revocation or invalidation** of a trade mark for non-use or relative grounds (senior rights) can be pursued in a PTO proceeding.
- The **causal link** between the similarity of signs/goods and a likelihood of confusion has been dropped for trade mark infringements.

If you have any questions or require more detailed information, please do not hesitate to contact us.



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