



GOVERNMENT OF MALTA

Government response to the Consultation on Trademark Rules (2019)

10 December 2019

Ministry for the Economy Investment and Small Businesses
Commerce Department
Lascaris
Valletta

This publication (excluding Logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. This material must be acknowledged as Government of Malta and the title of the publication specified.

Any queries regarding this publication should be sent at: onlineconsultations@gov.mt.

Published by the Ministry of Ministry for the Economy Investment and Small Businesses

Contents

CONTENTS

Contents	3
Executive Summary	4
Introduction and overview	4
Responses to the consultation and process used to seek stakeholder views	5
Summary of responses and decisions	5
Implementation	6
Contact Details	6

Executive Summary

Introduction and overview

In 2019 the Trademark Act (Cap 597) transposed Directive (EU) 2015/2436 to approximate the laws of the Member States relating to trade marks. The proposed regulations compliment said Act whilst updating the Trademark Search And Opposition Rules. They also amalgamate said rules with the SL 597.01 Trademarks (Provisions And Fees) Rules and SL 597.02 Community Trademark Rules.

In addition they introduce provisions to regulate procedures which would be necessary when Malta accedes to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks which provides for the possibility of filing a single application to apply for trademark protection in up to 122 countries which are party to the Madrid Protocol.

Finally, these rules also include provisions to regulate areas which have been introduced as a result of the transposition of the aforementioned directive such as rules relating to new types of marks.

1. The public consultation date.
Include the objective and purpose of the public consultation.

The consultation on this Directive was open from 1 November to 30 November 2019.

The purpose of this consultation document was to review the new elements of the Regulations, in particular to update opposition procedures, consolidate three sets of subsidiary legislation accompanying the Trademark Act and introduce provisions relating to the Madrid Protocol

2. This consultation sought views on:

Part I – General Provisions

This part mainly contains rules outlining the requirements and actions relating to the filing of a trademark application and processing of trademark applications. It also contains rules and transactions relating to registered trademarks.

Part II – Trademark Search and Opposition

This part outlines the trademark search that the office carries out on each new application. It also details the opposition procedure from publication of the trademark for opposition purposes to the filing and examination of an opposition by the Office.

Part III – Madrid Protocol

This Part specifies the rules which will apply once the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks enters into force with respect to Malta.

Part IV – European Union Trademark Rules

This Part contains rules relating to matters concerning European Union Trademarks (EUTIM) such as claiming of seniority of a EUTM in Malta and conversion of a EUTM to a national trademark.

Part V – Time Limits

This Part contains rules for the extension or alteration of time limits set by the Comptroller in relation to certain acts or in certain circumstances.

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

3. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 30 November 2019. The consultation document was made available online on konsultazzjoni.gov.mt. The consultation document was also circulated with the respective Ministries and stakeholders particularly trademark attorneys and consulted bodies.

In total, there was 1 response.

4. Include (if any) meetings with stakeholders and list who the stakeholders were.
[Meeting with the Malta Chamber of SMEs \(formerly known as GRTU\).](#)

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

5. Statistics.

- Total feedback received: 1
- Total feedback received by individuals: 1
- Total feedback received by organisations: 0
- Total feedback received through email: 1
- Total feedback received through online form: 0
- Total feedback received by post: 0
- Total feedback received face to face or over the phone: 0

6. Summary of feedback received.

The feedback received consisted mainly of minor but technical proposals as well as some changes to areas such as the opposition procedure.

The meeting with the Malta Chamber of SMEs helped to explain better how small and medium sized enterprises will benefit from the implementation of these Regulations together with accession to the Madrid protocol.

7. Your assessment and the Government's decision (list the Government's decisions).
The department has embarked on a review of the Trademark rules to take on board the technical proposals and update as relevant the opposition procedure based on the feedback received.

Implementation

8. When you intend to implement the decisions
These Trademark Regulations will be presented to Cabinet at the earliest opportunity.

Contact Details

If you have any questions regarding this response, please contact: ipoffice@gov.mt