

Trademark Alert Designations of origin / Name of territorial collectivities

March 2014

A new opposition proceeding opened on March 17th regarding the designations of origin and the names of territorial collectivities

The French Law on consumption of March 17, 2014, known as the "Hamon Act ", strengthens the protection of the geographical indications and of the names of territorial collectivities, by providing for an alert system as well as an opposition proceeding for territorial collectivities before the National Institute of Industrial Property.

1. An alert system provided by the National Institute of Industrial Property

Pursuant to Article L.712-2-1 of the French Code of Intellectual Property, *"any territorial collectivity or public body for territorial cooperation may ask the National Institute of Industrial Property to be alerted in the event of filing of a trademark application containing its name, in accordance with conditions set out by decree."*

Thus, territorial collectivities are now eligible to use a mechanism allowing them to be alerted about trademark applications containing their name, upon a request made to the National Institute of Industrial Property.

Upon publication of the decree implementing the law at issue, territorial collectivities will be able to take the necessary measures to benefit from this alert system.

2. The extension of the right to oppose a registration

The scope of the opposition proceeding against the registration of French trademarks has been extended to:

- territorial collectivities, for the defense of their name, image or reputation,
- defense and management organizations for the protection of geographical indications.

Such actors, which were already eligible to act before the Courts to defend their rights, may now use the opposition proceeding and act prior to any trademark registration.

3. Our advice

We advise you to monitor the trademark register in order to be able to act in time against new applications which may infringe your designations of origin or names of territorial collectivities and bring in an opposition proceeding in the event of an infringing application.