

## **NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND**

### **Grounds for refusal of all types of marks:**

The requirements for registration of trademarks are regulated by the Finnish Trademarks Act. If they are not met the registration of a trademark will be refused. The requirements for registration are listed below in a summary fashion.

Under Section 13 of the Trademarks Act, the mark has to be distinctive in order to be registered. The distinctive character is an absolute requirement for registration.

Under Section 14 of the Trademarks Act, registration of any trademark can be refused for the following reasons:

- 1) The mark is contrary to law and order, or to morality.
- 2) The mark is liable to mislead the public concerning the character of goods or services.
- 3) The mark incorporates, without proper permission, an official symbol or emblem, or something that is liable to be confused with those symbols or emblems.
- 4) The mark is likely to give the impression of being the protected company name of another, or of being the name or likeness of another person, unless they relate to a person long dead.
- 5) The mark constitutes an infringement of the title of another's protected literary or artistic work, such title being original in character, or if it constitutes an infringement of another's copyright in such a work or of his rights in a photographic illustration or a protected design.
- 6) The mark is liable to be confused with the name or company name of another trader, with an auxiliary company name or secondary symbol, or with the trademark of another which has been registered earlier or is already established.
- 7) The mark is liable to be confused with a mark taken into use earlier by another party, and the applicant was aware of that use at the time of his application and had not used his own mark before that other party.
- 8) The mark is liable to be confused with a trademark protected by an international registration valid in Finland or European Community that enjoys an earlier right in Finland in respect of the application.
- 9) The mark is liable to be confused with a Community trade mark that has been registered on the basis of an earlier application.
- 10) The mark is liable to be confused with a registered name of a plant variety.
- 11) There is an obstacle to registration within the meaning of Council Regulation regarding the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

In items 4 to 9, registration may be granted if the person whose right is concerned agrees to the registration of the mark.

Trademarks and company names are regarded as liable to cause confusion only if they apply to goods or services of identical or similar type. An exception to this is a trademark with a reputation which may constitute an obstacle to registration, even if the goods or services are not of similar type.