**CYPRUS**

**TRADEMARK**

**Rights Afforded by Registration**

Registration is not mandatory to establish rights to a trademark; prior use establishes right to a trademark; this is a "first to use" jurisdiction. The situation in Cyprus is "mixed." If one wants to register a trademark, it is a "first to file"; however, if there is use, one can file a suit for passing off based on use of the mark. So, registration is not mandatory to establish rights to a trademark, but if one wants to register it, the person who wants to register it can do so if he/she applies first.Use of an unregistered mark for any goods or services is legal. No legislation regarding plain packaging has been enacted in this jurisdiction, and it is not under active consideration. The relevant authorities do not divulge their intentions beforehand.

**Time Frame for Obtaining Registration**

The approximate time from application to registration (for a regular prosecution, without opposition) is: 12 to 15 months.

**Classification**

This jurisdiction uses the Nice Classification System.

 If a trademark is or will be used in more than one class of goods and/or services, it is necessary to file a separate application for each class of goods and/or services.

**Advantages of Registration**

The advantages of registering a trademark include the following:

 It provides prima facie evidence of ownership and validity;

 Enforcement of an unregistered trademark is more difficult and more costly than enforcement of a registered trademark;

 It encourages licensees and provides the opportunity to generate royalties through licensing.

The risk of not registering a trademark is that others may register an identical or similar mark that could impede the ability to use or register the mark in Cyprus.

**Registrable Trademarks**

The following signs that can be reproduced graphically and are capable of distinguishing the goods or services of one person or entity from another are registrable as a trademark:

 words;

 names;

 devices;

 certain three-dimensional shapes;

 colors;

 trade dress/get-up.

 The special requirements for the registration of three-dimensional shapes are: must be distinctive and non-descriptive. Use and reputation help.

 The special requirements for the registration of colors are: For general claim of a color (e.g., yellow), such color should be shown on the depiction of the mark at the application stage. For the claim of a specific tone of a color, one must indicate on the application form the relevant code (e.g., Pantone 115 C).

 The special requirements for the registration of trade dress are: must be distinctive. Use and reputation help.

 Marks registered in black and white or gray scale are construed narrowly to protect the mark as registered and not to cover other color combinations.

**In addition to regular trademark registrations, the following types of trademarks are registrable:**

 collective marks;

 certification marks;

 service marks.

 Retail services are registrable provided that the nature of the retail services is clearly identified.

**The following are not registrable as trademarks:**

 marks contrary to moral standards or public order;

 generic terms;

 names, flags or symbols of states, nations, regions, or of international organizations;

 non-distinctive trademarks absent a showing of acquired distinctiveness (secondary meaning);

 marks that function principally as surnames;

 marks that function principally as geographic location names (but not geographical indications or appellations of origin).

 Geographical indications (GIs) are protected in this jurisdiction.

 GIs are protected by way of:

 special laws for the protection of geographical indications or appellations of origin.

 The following products or categories are subject to GI protection in this jurisdiction: sweets, alcoholic drinks, wines, foodstuffs.

**Requirements**

Trademark/Service Mark Applications

1. A simply signed power of attorney.
2. A detailed list of the goods/services and the classes pertaining thereto.
3. The full particulars of the applicant.
4. Nine prints of the trademark, if in color. If black and white, one print is sufficient.

**Renewal**

 The first renewal date of a registration is seven years from the application filing date. Subsequent renewals last for 14 years from the renewal date of the registration. The renewal pre-payment period is no more than three months. There is no grace period for renewing registrations once the renewal date has expired and the renewal cannot be affected online.

**REQUIREMENTS**

1. Simply signed Power of Attorney.
2. The name and address of the applicant
3. Trademark particulars.

**Assignment requirements**

1. Simply signed Power of attorney signed by the assignee.
2. Deed of Assignment duly executed by the assignor and assignee in its original or duly certified copy thereof.

Note:
Certification marks may only be assigned with a special consent of the Registrar.

**DOMAIN NAME**

Any domain name may be protected as a trademark.

 The following approved registrars can register a domain name in this jurisdiction: The University of Cyprus.

 Availability of domain names in this jurisdiction can be searched through the following website(s):www.nic.cy.

 The Country Code Top-Level Domain (ccTLD) for this jurisdiction is: .com.cy.

**To obtain a domain name under the ccTLD in this jurisdiction, the following is required:**

 a local address (The proprietor of the domain name must have a company registered in Cyprus.).

 Domain name registrations cannot be assigned. A domain name must be actively abandoned; then, a new application for registration can be made in the name of the new owner.

 Domain name registrations can be licensed. A license is a private agreement between the licensor and the licencee that is not registered by the Registrar.

 A domain name registration may be contested in this jurisdiction through the following mechanisms:

 a Uniform Domain-Name Dispute-Resolution Policy (UDRP) proceeding, filed through an ICANN-approved domain-dispute resolution service provider (see <http://www.icann.org/en/help/dndr/udrp>).

 One may institute a UDRP proceeding with the following ICANN-approved domain-dispute resolution service providers:

 WIPO (World Intellectual Property Organization).

 If a registration lapses due to failure to renew, it can be revived or restored in the following way: by applying again; it is up to the Registrar to decide if the application will be accepted or not.

 The application to register a domain name as a trademark will be examined for conflicts with prior trademarks.

 An earlier-filed domain name registration can create rights effective against a later-filed trademark registration application filed by another only if the domain name is being used as a trademark in addition to being used as an address.

 In general, the courts apply the same principles for domain name disputes as are applied for trademark disputes

**International Treaties**

 Cyprus is a member of the following international treaties relating to intellectual property:

 Paris Convention;

 Trademark Law Treaty;

 Nairobi Treaty;

 Madrid Agreement;

 Madrid Protocol;

 Nice Agreement.

**PATENT**

Requirements

1. A Power of Attorney, simply signed (no legalization or notarization is needed).
2. Two copies of the patent.
3. Full name, address, and nationality of the applicant, the inventor, and his representative.
4. The title of the invention must be brief and exact and show the object of the invention.
5. Priority document when needed.