



EURO PALLETS LEGAL ASPECTS

Sabīne Vilciņa
Assistant Attorney-at-Law

Content

1. What is trademark
2. Trademark registration
3. Trademark EPAL and EUR
4. Legal protective means in case of illegal use of the registered trademark

What is trademark

A trademark is a sign that is used to distinguish goods or services of one undertaking from those of other undertakings, and usually is protected by a registration certificate.

A trademark is not just a brand name.

A trademark may incorporate logotypes, graphics, colors, the shape and design of the product or its packaging, allowing the consumer to distinguish between the goods of one origin from that of another.

Trademark registration

Three trademark registration systems:

1. International registration system

(World Intellectual Property Organization:
<http://www.wipo.int/portal/index.html.en>);

2. European Community registration system

(Office for Harmonization in the Internal Market (Trade marks and Designs): <http://oami.europa.eu/ows/rw/pages/index.en.do>)

3. National registration system

(Office of Patents: <http://www.lrpv.lv/index.php?lang=LV>)

Trademark EPAL



EPAL – European Community trademark (registration no. 000472415), as well international trademark registered in the World Intellectual Property Organization with the reg.no.6171158

This trademark is owned by European Pallet Association eV.

Trademark EUR



EUR – European Community trademark (registration no. 004848206), as well international trademark registered in the World Intellectual Property Organization with the reg.no. 430337.

European Pallet Association eV is entitled to represent/manage this trademark in the Baltic.

Legal protective means in Latvia

Illegal use of the trademark rises:

1. Administrative liability (police; custom authority)
2. Criminal liability;
3. Civil liability

Legal protective means in Latvia

Administrative

police (Administrative Violation Code Article 166¹³ (*Violation of the Advertising and Commercial Practices Regulations*), 166¹⁴.p.(*Sale of Counterfeit Goods*) 166¹⁷.p.(*Violation of the Regulations regarding the Using of Trademarks (Service Marks)*));

custom authority (Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights));

Legal protective means in Latvia

Criminal

(Criminal law Article 206 (*Illegal Use of Trademarks, Other Distinguishing Marks and Designs*));

Legal protective means in Latvia

Civil

(Civil procedure law section 30²,
Competition law section V)

Thank you for attention!

Glimstedt and partners



Gertrudes iela 10/12,
Rīga, LV-1010, Latvia
Phone: +371 6780 33 80
Fax: +371 6780 33 81
e-mail: riga@glimstedt.lv
www.glimstedt.lv