

The Patent and Trademark Office

Order No. 364 of 21 May 2008

## **Order on Application and Registration, etc. of Trade Marks and Collective Marks<sup>1)</sup>**

Pursuant to sections 17, 48 and 60 of the Trade Marks Act, cf. Consolidate Act No. 782 of 30 August 2001, and section 4(3) of the Collective Marks Act No. 342 of 6 June 1991 and by authority under section 1 of the Ministry of Economic and Business Affairs Order No. 39 of 17 January 2002 on reference of certain rights to the Patent and Trademark Office it is laid down that:

### **Part I**

#### **National trade mark applications and registrations**

##### Chapter 1

##### *The application*

**1.-** Applications for the registration of trade marks shall be filed with the Patent and Trademark Office.

##### *Contents of the application*

**2.-(1)** The application shall indicate:

(i) the name or firm and postal address of the applicant and, if the applicant is represented by an agent, the name and address of the agent;

(ii) the goods and/or the services in respect of which registration of the mark is sought; those goods and/or services shall be grouped in classes in conformity with the classification of the Nice Agreement of 1957 (Nice Classification) Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, as subsequently amended; the Danish version of the Nice Classification is available on the home page of the Patent and Trademark Office;

(iii) the number of the registration in the home country which is to form the basis of the registration in this country if the registration under section 35 of the Trade Marks Act may only be effected on the basis of a registration in the applicant's home country.

(2) The application shall contain an exact reproduction of the trade mark.

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<sup>1)</sup> This Order contains provisions implementing Council Directive 89/104 EEC, EC Official Journal 1989, L. 40, p. 1, to approximate the laws of the Member States relating to trade marks.

(3) The following documents shall accompany the application:

- (i) a power of attorney, cf. section 40;
- (ii) proof of the registration of the mark in the home country in the cases referred to in subsection 1(iii).

(4) The prescribed fees shall accompany the application.

### *Priority*

3.-(1) A claim for convention priority pursuant to the provision of section 18 of the Trade Marks Act shall be presented in the application with information about the date and the country from which the priority is claimed. A claim for priority together with the said information may also be submitted within one month from the date of filing. If the applicant does not claim the priority and submits the information referred to before the expiry of the time limit, priority shall not be obtainable.

(2) The Patent and Trademark Office may require that the applicant files a proof of the priority within a time limit to be prescribed. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit. If the applicant does not submit the required documentation before the expiry of the prescribed time limits, priority shall not be obtainable.

4.-(1) A claim for exhibition priority pursuant to the provision of section 19 of the Trade Marks Act shall be presented in the application with information about the exhibition at which the goods and/or the services have been displayed together with the trade mark applied for and the date of the exhibition. A claim for priority together with the said information may also be submitted within one month from the date of filing. If the applicant does not claim the priority and submits the information referred

to before the expiry of the time limit, priority shall not be obtainable.

(2) The Patent and Trademark Office may require that the priority claimed be documented within a time limit to be prescribed by submission of a declaration from the authority responsible for the exhibition. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit. If the applicant does not submit the required documentation before the expiry of the prescribed time limits, priority shall not be obtainable.

### *Languages of the application*

5.-(1) The Patent and Trademark Office may examine and process the application if the application is available in Danish, English, Swedish or Norwegian.

(2) If the application has been filed in another language than those referred to in subsection 1, a translation shall be filed within a time limit prescribed by the Office. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit.

(3) If the application has been filed in another language than Danish, the indication of goods and/or services shall be filed in Danish within a time limit to be prescribed by the Patent and Trademark Office. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit.

(4) If the Office has not received a translation, cf. subsections 1 to 3, before the expiry of the prescribed time limits, the application shall be refused.

### *Examination and other processing of the application*

**6.-** When the applicant for a trade mark registration has paid the prescribed fees in accordance with section 12(2), 2nd sentence, of the Trade Marks Act, the Patent and Trademark Office shall commence the examination and other processing of the application.

**7.-(1)** An application shall be accorded a date of filing when it contains a reproduction of the trade mark and information about the name or firm of the applicant and an indication of the goods and/or services in respect of which registration of the trade mark is sought.

(2) If an application cannot be accorded a date of filing pursuant to subsection 1 at its filing, the applicant shall be granted a time limit of two months for the filing of the missing information and/or a reproduction of the trade mark. The application shall be accorded a date of filing at the time when the Patent and Trademark Office receives the missing information and/or a reproduction of the trade mark.

(3) If the Patent and Trademark Office does not receive the missing information and/or a reproduction of the trade mark pursuant to subsection 1 before the expiry of the time limit referred to in subsection 2, the application shall be rejected.

*Absolute and relative grounds for refusal*

**8.-(1)** The Patent and Trademark Office shall ensure that there are no absolute grounds for refusal of the registration, cf. section 13 and section 14(i) to (iii) of the Trade Marks Act.

(2) If a ground for refusal of the registration under subsection 1 relates only to some of the goods or services in respect of which registration of the trade mark is sought, the Patent and Trademark Office may only

refuse the application as far as those goods or services are concerned.

**9.-(1)** The Patent and Trademark Office shall make a search for relative grounds for refusal of the registration, cf. section 14(iv) to (v) and section 15(1) and (2) of the Trade Marks Act. The Office shall evaluate the total result of the search and shall communicate the result of the evaluation to the applicant in a search report.

(2) An application may not be refused with reference to the grounds referred to in subsection 1.

**10.-(1)** If the Patent and Trademark Office has found the absolute grounds for refusal of the registration of the trade mark referred to in section 8, or if there are other grounds for refusal of the registration of the trade mark, including the goods and services comprised by the application not being classified in conformity with the Nice Classification or being vaguely indicated, the applicant shall be notified thereof and be granted a time limit for the filing of his observations. If the Office has drawn up a search report, cf. section 9, the applicant shall also be notified of that report.

(2) The applicant may for up to two months after the expiry of the time limit request an extension of the time limit referred to in subsection 1.

(3) If the Office has not received any observations or any request for an extension of the time limit before the expiry of the time limits prescribed in subsections 1 and 2, the application shall be refused entirely or partially.

(4) If the Patent and Trademark Office has only found the relative grounds for refusal referred to in section 9, the Office shall send the search report drawn up to the applicant with a time limit for him to file his

observations. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit.

(5) If the Office has not received any observations or any request for an extension of the time limit before the expiry of the time limits referred to in subsection 4, the trade mark shall be registered.

## Chapter 2

### *Registration and publication*

**11.-** When the application has been examined and processed, and there are no grounds for refusal of the registration of the trade mark, the trade mark shall be registered, and the registration shall be published in the Danish Trademark Gazette (Dansk Varemærketidende) which is issued on the home page of the Patent and Trademark Office. The applicant shall be notified of the registration.

**12.-** In the Register of Trade Marks the following data shall be entered:

- (i) the date of filing and the number of the application, the date and number of the registration and the date of the termination of the registration procedure,
- (ii) the name and postal address of the proprietor,
- (iii) the name and postal address of the agent,
- (iv) a reproduction of the trade mark,
- (v) the classes, goods and services referred to in section 2(1)(ii),
- (vi) any disclaimers, remarks to the effect that the trade mark has been registered on the basis of having acquired distinctive character through use or other remarks concerning the trade mark or the scope of the registration, including remarks to the effect that at the request of the proprietor of the trade mark it has been mentioned that the trade mark is three-dimensional, that the trade mark is a hologram or a sound mark or similar descriptions of the trade mark,

(vii) any priority claimed for the application, (viii) information to the effect that the application has been proceeded with from an international registration, cf. section 53(2) of the Trade Marks Act, or has been converted from a Community trade mark application or a Community trade mark registration, cf. section 24,

(ix) information to the effect that there exists an international trade mark registration, cf. section 54(2) of the Trade Marks Act,

(x) information concerning licensing, pledging, attachment or execution,

(xi) information concerning division and

(xii) information to the effect that the seniority of the trade mark has been claimed for a Community trade mark.

## Chapter 3

### *Oppositions and revocations*

**13.-**(1) After publication of the registration in the Danish Trademark Gazette oppositions may be filed against the validity of the registration, cf. section 23 of the Trade Marks Act. The opposition, which shall state the grounds on which it is based, shall be filed within two months from the date of publication. The opposition shall be accompanied by the prescribed fee.

(2) Any person may file an opposition. Oppositions filed with reference to section 14(iv) to (v) and section 15 of the Trade Marks Act may, however, only be filed by the proprietor of the earlier rights claimed or by a bearer of the name which is claimed. The Patent and Trademark Office may, however, exempt therefrom.

(3) The Patent and Trademark Office may decide to examine and make decisions with respect to several oppositions against the same trade mark registration together. The Office may subsequently decide to examine one or several oppositions separately. The

Office may suspend the examination of one or several of the other oppositions.

(4) The proprietor of the registered right shall be notified of the opposition and be given an opportunity to file his observations. If there are several oppositions against the validity of the registration of a trade mark, the Office shall also notify the other opponents of the opposition.

(5) The decision of the Patent and Trademark Office shall be communicated to the opponent and the proprietor of the registered right.

(6) If a registration is declared invalid, and the registration is revoked in its entirety, any suspended oppositions shall be deemed to have lapsed.

(7) The decision of the Patent and Trademark Office may be brought before the Board of Appeal for Patents and Trademarks and the courts in accordance with section 46 of the Trade Marks Act.

(8) If the registration is revoked entirely or partially, those changes shall be published in the Danish Trademark Gazette when the decision has become final.

**14.**-(1) After the termination of the registration procedure any person may file a request for the revocation of a trade mark registration, cf. section 30 of the Trade Marks Act. The request shall be accompanied by the prescribed fee.

(2) A request for the revocation of a trade mark registration with reference to section 14(iv) to (v) and section 15 may only be filed by the proprietor of the earlier rights claimed or by a bearer of the name which is claimed. The Patent and Trademark Office may, however, exempt therefrom.

(3) If several requests have been filed for the revocation of the same trade mark registration, the Patent and Trademark Office may decide to examine them and make decisions with respect to them together. Section 13(3) and (6) shall apply *mutatis mutandis*.

(4) The proprietor of the registered right shall be notified of the request and be given an opportunity to file his observations. Section 13(4) shall apply *mutatis mutandis*.

(5) The decision of the Patent and Trademark Office shall be communicated to the person having requested the revocation of the trade mark registration and to the proprietor of the registered right.

(6) The decision of the Patent and Trademark Office may be brought before the Board of Appeal for Patents and Trademarks and the courts in accordance with section 46 of the Trade Marks Act.

(7) If the registration is revoked entirely or partially, those changes shall be published in the Danish Trademark Gazette when the decision has become final.

(8) The provisions of subsections 1 to 7 shall apply to registrations the seniority of which has been claimed for a Community trade mark, even after those registrations have been deleted from the Danish Register of Trade Marks.

#### Chapter 4

##### *Amendments of applications and registrations*

##### *Division of applications and registrations*

**15.**-(1) If an application comprises several goods or services, the application may, at the request of the proprietor of the mark, be divided into several applications.

(2) A request for division of an application shall indicate:

(i) the goods or services which the original application shall comprise after the division and

(ii) the goods or services which the divisional application or each of the divisional applications shall comprise.

(3) A divisional application may not comprise goods or services which are not comprised by the original application at the time of the request for division thereof. The original application and the divisional application may not relate to the same goods or services.

(4) The request for division shall be accompanied by the prescribed fees.

(5) An application may not be divided if a division will lead to doubt as regards the scope of the original application and of the divisional application.

(6) When the request for division has been examined and accepted, the divisional application shall be accorded an independent application number. The divisional application shall be accorded the same date of filing and date of priority as the original application.

(7) Powers of attorney, transfer documents and other documents concerning the original application shall also be regarded as documents of each divisional application.

**16.**-(1) If a registration comprises several goods or services, it may, at the request of the proprietor, be divided into several registrations.

(2) The provisions of section 15(2) to (5) and (7) shall apply *mutatis mutandis* to division of registrations.

(3) When the request for division has been examined and accepted, the divisional registration shall be accorded an independent registration number. The divisional registration shall be accorded the same date of filing, date of priority, registration date and date of termination of the registration procedure as the original registration.

#### *Amendment of trade marks*

**17.**-(1) If a request for the amendment of a trade mark under section 24 of the Trade Marks Act relates to a mark which does not consist exclusively of ordinary letters, an exact reproduction of the amended mark shall accompany the request.

(2) If the Patent and Trademark Office finds that the requested amendment of the mark is not in accordance with section 24 of the Trade Marks Act, the proprietor shall be notified thereof and be granted a time limit for the filing of his observations. The proprietor may for up to two months after the expiry of the time limit request an extension of the time limit.

(3) If the Office has not received any observations or any request for an extension of the time limit before the expiry of the time limits prescribed in subsection 2, the request for an amendment of the trade mark shall be refused.

(4) Refusals pursuant to subsection 3 may be brought before the Board of Appeal for Patents and Trademarks and the courts in accordance with section 46 of the Trade Marks Act.

(5) If a request for the amendment of a mark relates to a trade mark applied for, the Office may decide that a refusal of the amendment of the trade mark and any entire or partial refusal of the registration shall be given together.

*Requests for entries in the Register*

**18.-** In connection with a request for renewal pursuant to section 27 of the Trade Marks Act information may be given of changes which have occurred with respect to proprietor or agent. Information to that effect shall be accompanied by proper documentation for the change. The changes in the Register shall be handled independently of the request for renewal.

**19.-(1)** A request for an entry in the Register of Trade Marks concerning the transfer of the right to a registered mark or for an entry concerning a license to, a pledging of or an execution or attachment levied on such a mark shall be accompanied by proper documentation for the established right.

(2) A request for an entry concerning an agent or a new agent or for an entry concerning other changes of previously registered matters shall be accompanied by proper documentation for the change.

(3) A request pursuant to subsection 1 shall be accompanied by a power of attorney for the requesting party if that party does not appear to be entitled to submit such a request.

*Documentation for changes and entries*

**20.-** Powers of attorney, transfer documents and other documents referred to in this Order shall, if they are drawn up in another language than Danish, on request be furnished with a translation.

*Publication of changes and entries*

**21.-(1)** In the Danish Trademark Gazette, which is issued on the home page of the Patent and Trademark Office, the following shall be published:

- (i) registrations, cf. section 12(3) and section 22 of the Trade Marks Act,
- (ii) divisional registrations, cf. section 48(2) of the Trade Marks Act,
- (iii) amendments of the registration of a trade mark, cf. section 24(2) of the Trade Marks Act,
- (iv) the entire or partial revocation of registrations pursuant to section 23(4) and section 30(5) of the Trade Marks Act and
- (v) corrections of errors in previous publications.

(2) The Patent and Trademark Office shall also publish other matters of importance to the trade mark right.

**Part II**

**National collective mark applications and registrations**

Chapter 5

*Special provision concerning collective marks*

**22.-(1)** The rules laid down in sections 1 to 21 shall also apply to collective marks.

(2) An application for the registration of a collective mark shall, in addition to the indications referred to in section 2, contain the regulations governing the use of the collective mark.

(3) In the Register of Collective Marks shall, in addition to the information referred to in section 12, the regulations governing the use of the collective mark be entered.

**Part III**

**Community trade marks**

Chapter 6

*Applications for Community trade marks*

**23.-** For an application for the registration of a Community trade mark filed with the Patent and Trademark Office a fee shall be

paid for the receipt of the application by the Office and the forwarding thereof to the Office for Harmonization.

*Conversion into a national application*

**24.**-(1) If the Patent and Trademark Office receives a request from the Office for Harmonization for the conversion of a Community trade mark application or a Community trade mark registration into an application for a national registration, cf. Articles 108 to 110 of Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community trade mark as partially amended by Council Regulation (EC) No. 422/2004 of 19 February 2004 amending Council Regulation (EC) No. 40/94 on the Community trade mark, the request shall be regarded as a Danish application to be examined and processed pursuant to the rules concerning applications and registrations under the Trade Marks Act and the Order on Application and Registration, etc. of Trade Marks and Collective Marks.

(2) Community trade marks which have been converted into a national application or registration shall have the same date of filing, date of priority or date of seniority as the Community trade mark.

**Part IV**

**International registration of trade marks**

Chapter 7

*International applications*

**25.**-(1) Applications for the international registration of a trade mark pursuant to the Madrid Protocol shall be filed with the Patent and Trademark Office on the form of the International Bureau.

(2) The application shall be drawn up in English.

(3) The prescribed fee for the handling of the application by the Patent and Trademark Office shall be paid at the filing of the application.

**26.**-(1) An application for the international registration of a trade mark shall be supplied with the date of receipt of the application by the Patent and Trademark Office and the file number of the Office.

(2) The application shall contain the following data:

- (i) the name and address of the applicant,
- (ii) a reproduction of the mark,
- (iii) an indication of the goods or services in respect of which registration of the mark is sought grouped in classes in conformity with the International Classification of Goods and Services (the Nice Agreement),
- (iv) an indication of the date and number of the Danish basic application or of the date and number of the Danish basic registration and
- (v) an indication of the states or organisations which are designated.

(3) If the applicant wishes to be represented by an agent before the International Bureau, the name and address of the agent shall appear from the application.

(4) The application shall, moreover, be drawn up in accordance with Articles 3, 3bis and 3ter of the Madrid Protocol and the rules connected therewith in the Regulations under the Protocol.

Chapter 8

*Examination and other processing of international applications*

**27.**-(1) If the handling fee has been received by the Patent and Trademark Office, and the application complies with the provisions of sections 25 and 26 and the provisions of sections 55, 56 and 57 of the Trade Marks Act, and if the particulars appearing in the



international application correspond to the particulars appearing in the basic application or the basic registration, the Patent and Trademark Office shall forward the international application to the International Bureau.

(2) If anything prevents the forwarding of the application, the applicant shall be given an opportunity to remedy the application. If the application has not been remedied within the time limit of two months referred to in Article 3(4) of the Madrid Protocol, the Patent and Trademark Office shall decide whether the application shall be rejected or forwarded to the International Bureau as it is. The applicant shall be notified of the decision of the Office.

#### Chapter 9

##### *Subsequent designation*

**28.**-(1) A request for a subsequent designation pursuant to the Madrid Protocol may, if the proprietor complies with the requirements of Article 2(1)(i) of the Madrid Protocol, be filed with the Patent and Trademark Office or with the International Bureau. The request shall be filed on the form of the International Bureau.

(2) The fee prescribed for the handling of the request by the Patent and Trademark Office shall be paid at the filing of the request.

(3) The provisions of section 26(2) and section 27(2) shall apply *mutatis mutandis*.

(4) The request shall, moreover, be drawn up in accordance with the relevant provisions of the Regulations under the Madrid Protocol.

(5) If the handling fee has been received by the Patent and Trademark Office, and the request complies with the provisions of

subsections 1 and 3, the Office shall forward the request to the International Bureau.

#### Chapter 10

##### *Examination and other processing of designations of Denmark*

**29.**-(1) If the Patent and Trademark Office receives a notification from the International Bureau to the effect that Denmark is designated in an international trade mark registration, the Office shall examine whether there are any grounds for refusal of the validity of the registration in Denmark.

(2) If no grounds have been found for refusal of the validity of the international registration in Denmark, the applicant shall be notified that the international registration has effect with respect to Denmark.

**30.**-(1) If the Patent and Trademark Office has found the absolute grounds for refusal referred to in section 8, or if there are other grounds for refusal of the validity of the international registration in its entirety in Denmark, including the goods and services comprised by the application being too vaguely indicated, a notification thereof in the form of an entire or partial provisional refusal shall be communicated to the International Bureau with a time limit for the proprietor to file his observations with the Patent and Trademark Office. At the same time the Office shall send a notification of the provisional refusal to the applicant. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit.

(2) If the Patent and Trademark Office has not received any observations or any request for an extension of the time limit before the expiry of the time limits prescribed in subsection 1, the validity of the registration in Denmark shall be refused entirely or partially. When the decision concerning the

refusal has become final, a notification thereof shall be communicated to the International Bureau.

**31.**-(1) The Patent and Trademark Office shall make a search for the relative grounds for refusal referred to in section 9 and shall communicate the total result of the search to the applicant giving him a time limit for the filing of his observations or for requesting the Office to evaluate the search result. The applicant may for up to two months after the expiry of the time limit request an extension of the time limit.

(2) If the Office has not received any observations, any request for the extension of the time limit or any request for evaluation of the search result before the expiry of the time limits prescribed in subsection 1, the applicant shall be notified that the international registration has effect with respect to Denmark.

**32.**- International registrations taking effect with respect to Denmark shall be published in the Danish Trademark Gazette, which is issued on the home page of the Patent and Trademark Office. The publication shall contain a reproduction of the trade mark, the name and domicile of the proprietor, the class or classes comprised by the registration, the date of the international registration and the number of the issue of the International Gazette in which the registration has been advertised.

#### *Oppositions and revocations*

**33.**-(1) After the publication of the international registration in the Danish Trademark Gazette oppositions may be filed against the validity of the registration in Denmark, cf. section 23 of the Trade Marks Act. Section 13 shall apply *mutatis mutandis*.

(2) After the receipt of an opposition the Patent and Trademark Office shall send a provisional refusal to the International Bureau to the effect that provisionally the registration has not effect in Denmark. The provisional refusal shall state the grounds on which the opposition is based.

(3) If the opposition is allowed, the validity of the registration in Denmark shall be refused entirely or partially.

(4) When the decision has become final, the Patent and Trademark Office shall notify the International Bureau thereof. Any amendments to the scope of the registration shall be published in the Danish Trademark Gazette.

**34.**-(1) When the registration has taken definitive effect in Denmark, any person may file a request with the Patent and Trademark Office for the invalidation of the registration, cf. section 30 of the Trade Marks Act. Section 14 shall apply *mutatis mutandis*.

(2) If the registration is invalidated entirely or partially, the Patent and Trademark Office shall notify the International Bureau thereof when the decision has become final. The invalidation or the partial invalidation shall subsequently be published in the Danish Trademark Gazette.

#### Chapter 11

#### *Agents with respect to international registrations*

**35.**-(1) The Patent and Trademark Office may, in accordance with section 37 of the Trade Marks Act, invite the proprietor of a trade mark to appoint an agent with respect to cases concerning an international registration.

(2) If the applicant has appointed an international agent with respect to the

international registration, that agent shall be deemed also to be the agent with respect to the designation of Denmark.

Chapter 12  
*Proceeding with an international  
registration*

**36.**-(1) An application for proceeding in Denmark pursuant to section 53(2) of the Trade Marks Act and Article 9quinquies of the Madrid Protocol shall contain a reference to the number of the international registration and information about the date of and the priority, if any, with respect to the international registration or the date of the subsequent designation.

(2) The fees prescribed for such applications shall accompany the application.

(3) The filed application shall otherwise be examined and processed in accordance with the provisions applying to national applications.

Chapter 13  
*Entries concerning international  
registrations in the Register of the Patent  
and Trademark Office*

**37.**-(1) In the Register of the Patent and Trademark Office the information received from the International Bureau which is relevant to the examination and processing of the designation by the Office shall be entered.

(2) Notwithstanding the provisions of subsection 1 the International Register shall prevail in the event of disagreement between the information about the international registration in the Register of the Office and the International Register.

(3) In addition to the information referred to in subsection 1 other entries concerning an

international registration, including entries concerning agent, pledging, execution, licensing and attachment, may also be made on request.

**Part V**

**International registration of collective  
marks and certification marks**

Chapter 14  
*Special provision concerning collective  
marks and certification marks*

**38.**-(1) Sections 25 to 37 shall also apply to international registrations of collective marks or certification marks.

(2) If an application is filed for the international registration of a collective mark or a certification mark, that shall appear expressly from the application.

(3) A designation of Denmark in an international registration of a collective mark shall also contain the regulations governing the use of the collective mark, cf. Chapter 5.

**Part VI**

**Notifications to proprietors of national or  
international trade marks with effect in  
Denmark**

Chapter 15  
*Notifications*

**39.**-(1) Proprietors of a trade mark or a collective mark, applied for or registered, having effect with respect to Denmark may request the Patent and Trademark Office to be notified about the existence or the publication of trade marks applied for or registered which may be in conflict with the proprietor's mark pursuant to section 15(1) of the Trade Marks Act.

(2) A request for notifications pursuant to subsection 1 shall be accompanied by the

prescribed fee. The request shall apply to one year.

## **Part VII**

### **Miscellaneous provisions**

#### Chapter 16

##### *Power of attorney*

**40.-** If an applicant, a proprietor or a party to a case before the Patent and Trademark Office is represented by an agent, a power of attorney shall be filed. The Patent and Trademark Office may exempt from the requirement of a power of attorney.

##### *Languages*

**41.-(1)** The Patent and Trademark Office shall examine and process a case in English if the applicant so requests or if the parties to a case before the Patent and Trademark Office so agree. The Patent and Trademark Office may at any time decide that the examination and processing of a case shall be performed in Danish.

(2) Documents received in connection with a case before the Patent and Trademark Office shall be drawn up in Danish, English, Norwegian or Swedish. If the documents are drawn up in another language, a translation shall be filed.

(3) In cases concerning oppositions and revocations which are examined in English,

and where the proprietor has requested a limitation of the list of goods and services, the Patent and Trademark Office may require that the proprietor submits the limited list in Danish within a specific time limit. If the Office has not received a translation before the expiry of the prescribed time limits, the Office may disregard the request for a limitation of the registration.

## **Part VIII**

### **Provisions as to entry into force**

#### Chapter 17

##### *Entry into force*

**42.-(1)** This Order shall enter into force on 1 June 2008.

(2) Section 39 shall enter into force on 1 January 2009.

(3) Order No. 787 of 9 September 2003 on Application and Registration, etc. of Trade Marks and Collective Marks shall be repealed.

(4) Notwithstanding subsection 3, sections 31 and 32 of Order No. 787 of 9 September 2003 on Application and Registration, etc. of Trade Marks and Collective Marks shall continue to apply until 31 December 2008.

(5) Parts III, IV and V shall not apply to Greenland and the Faeroe Islands.

*The Patent and Trademark Office, 21 May 2008*

JESPER KONGSTAD

/ Thomas Nording-Grooss