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Notary

Trademarks

Registration and Enforcement in Israel

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Get it right

TM is:

“A mark, used, or designate to be used, by a person, regarding the goods he manufactures or the good he trades in”

TM is valid to registration:

once it has a distinguish character, which distinguishes it between the TM owner's goods and the other's goods

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Directing

Israel is a member of the Madrid Protocol

- **Classification:** Made by several categories, in accordance with the product's on which the TM is requested
- **Validity:** Territorial (IL only)
- **Protection scope (10 years and Renewal):**
 - A. Registered TM's Owner unique right of use
 - B. Registered TM's Owner right to prevent use of resemble mark in the same Classification

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IL Registration Procedure

Approx. 1 year

- **Examination**

 - + should have: Distinguished Character

 - shouldn't have: mislead the public OR perform an unfair competition

- **Allowance & Publication**

 - oppositions allowed within 3 months

- **Registration**

 - no opposition OR an opposition was ruled in favor of the TM's applicant

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Mark your Trade

Register IL TM

Israel has a very efficient channel of TM rights enforcement:

owners of registered IL trademarks may use the Custom Authorities (**CA**) to protect their rights against importation of infringing goods (including shipments destined to the Palestinian Authority) by preventing their entrance into the country

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CA Guidelines

The implementation of the TRIP's agreement
in the Israeli legislation –

Efficient, Fast and Simple System

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The CA Regulation – Step by Step

STEP 1: Imports of infringing goods will be detained in two cases:

- A. When a right holder asks to block entrance to Israel of a **specific** shipment of infringing goods.
- B. When a right holder asks to monitor and sample shipments on a **constant basis** based on registered trademarks stored in the CA's data base, and to detain the infringing goods that will be discovered.

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STEP 2: CA TM Enforcement

- 1. Filing a notification** which includes the TM registration certificate
- 2. Infringing goods will be detained for 3 days** - Customs await TM owner's written Opinion indicating infringement + obligation to take legal action against the importer + deposit of bank guarantee
- 3. Infringing goods will be detained for 10 more days** - Customs await TM owner's to file a lawsuit against the infringing importer
4. CA will not release the infringing goods until ordered to do so by the court
- 5. Court may order the CA to destroy** the infringing goods, to confiscate them or to release them under restrictive conditions, such as removal of the infringing labels, tags, etc.

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IL Court's Tools
In Favor of TM Holders

1. TM COD

2. CIVIL WRONGS ACT

1. TM COD

+ **Temporary Injunction**

In both **Registered** and

Unregistered (but well-known) TM

+ **Compensation**

2. CIVIL WRONGS ACT

Statutory Compensation - 100,000 NIS

per **each** violation,

no damages evidence procedures (Approx.' 25,000
UDS)

Shortcuts

Skipping step 2

- The new regulation rules **small amounts** of infringing goods are seized and destroyed within weeks
- No legal procedure

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EXTRAS

- + **Deterring**: high storage costs at the port's warehouse, often cause the importers, at a very early stage, to abandon the shipment and to ask for its destruction
- + **Streamlining**: CA often provides TM owners with valuable information required for the enforcement of their rights in other arenas

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+ **Preventive enforcement**

+ **Cost efficiency**

Blocking infringing goods before they cross the borders is by far more efficient and cost effective than searching for them

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Thank You

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