

# DIPLOMA CENTRE

## Certificate in Trade Mark Law



### MODULE 1: INTRODUCTION TO TRADE MARKS

SESSION 1	TIME	DELIVERY
Wed 2 November 2022	6:00pm – 8:30pm	Online only
<b>1 Introduction to the Certificate in Trade Mark Law:</b>		
<b>Introduction to intellectual property law:</b> what the term means and what it encompasses; Trade Marks, patents, copyright, designs; trade secrets and confidentiality; passing off; Section 6 definition; types of Trade Marks; different registration systems (Ireland, EUIPO, Madrid); the Nice Classification of goods and services explained.		

### MODULE 2: REGISTERING TRADE MARKS

SESSION 1 (cont.)	TIME	DELIVERY
Wed 2 November 2022	6:00pm – 8:30pm	Online only
<b>3 Trade Mark applications:</b> How to file an application at the Patents Office, the EUIPO and through the Madrid System at the WIPO.		

2.5 hrs. Gen. CPD

SESSION 2	TIME	DELIVERY
Wed 9 November 2022	2:00pm release	Online only
<b>1 Registering non-conventional Trade Marks:</b> Thing to consider when filing or advising on same; case-law relating to shapes, colours, sounds, smells, slogans, names, surnames, geographical locations.		

1 hrs. Gen. CPD

### MODULE 3: EXAMINATION, PUBLICATION AND OPPOSITIONS

SESSION 3	TIME	DELIVERY
Wed 16 November 2022	2:00pm release	Online only
<b>1 The examination process:</b> Post-filing issues; classification issues; examination on absolute and relative grounds and the differences between the IPO and the EUIPO; objections that can arise and overcoming them; acquired distinctiveness. Descriptive marks, including geographical terms.		
<b>2 Publication and the importance of their date:</b> Observations at the Patents Office and at the EUIPO; Irish opposition – practice and procedure; opposition at the EUIPO – practice and procedure; conversion at the EUIPO; settling oppositions and related agreement.		

2 hrs. Gen. CPD

### MODULE 4: REVOCATION AND INVALIDITY

SESSION 4	TIME	DELIVERY
Wed 23 November 2022	2:00pm release	Online only
<b>1 Revocation and invalidity of Trade Marks:</b> Practice procedure in Ireland and the EUIPO; relevant case law examined.		
<b>2 What is 'use of the Trade Mark'?</b> What the courts say about genuine use; the case-law and concepts explained; proper reasons for non-use; acquiescence.		

2 hrs. Gen. CPD

SESSION 5	TIME	DELIVERY
Saturday 3 December 2022	10:00am – 1:00pm	Online only
<b>1 Workshop 1:</b> Consolidation of knowledge and preparation for the Trade Mark Agent exam.		

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**Topics:** applications, oppositions, cancellations (revocation/ invalidity) and use issues as well as non-conventional marks, how to search Trade Mark registers, exam questions including the register and office practices.

3 hrs. Gen. CPD

### MODULE 5: INFRINGEMENT OF TRADE MARKS (registered and non-registered)

#### SESSION 6

Wed 7 December 2022

#### TIME

2:00pm release

#### DELIVERY

Online only

- Infringement of a registered trade mark:** How to enforce your trade mark rights and how to defend a claim for infringement; groundless threats under Section 24 assessed; the remedies and litigation forums available; anti-counterfeiting and customs protection; a word on ACTA.
- Defences to Trade Mark infringement:** What you can and cannot do with a third party's registered Trade Mark; the provisions of Section 15 of the Act explained; the proviso to Section 15 (2); tactical defences to consider.

2 hrs. Gen. CPD

#### SESSION 7

Wed 14 December 2022

#### TIME

2:00pm release

#### DELIVERY

Online only

- An overview of comparative advertising:** Comparative advertising as a defence to an infringement claim; relevant case law examined including the Dunnes -v- Lidl High Court decision
- Exhaustion of rights and parallel imports in the trade mark world**
- Passing-off:** Infringement of unregistered Trade Marks, the elements of the test; how to mount a successful claim for passing off; and the defences examined

3 hrs. Gen. CPD

### MODULE 6: TYPES OF TRADE MARKS

#### SESSION 8

Wed 4 January 2023

#### TIME

2:00pm release

#### DELIVERY

Online only

- Dealing in Trade Marks:** Assignments, licensing and ownership issues outlined and the procedures for filing records explained; changes to the register and surrender of a Trade Mark; renewals and restoration to the register.
- Collective and certification Trade Marks; Protected designations of origin and protected geographical indications.**

2 hrs. Gen. CPD

### MODULE 7: TRADE MARK PORTFOLIOS

#### SESSION 9

Wed 11 January 2023

#### TIME

2:00pm release

#### DELIVERY

Online only

- Design Law in Ireland and the EU:** An examination of designs; legislative background; The Hague Agreement; definition of designs and products; requirements for protection; registrability; how to file a design in Ireland/EU.
- Design Law – registered v unregistered designs:** Irish and Community Registered Designs (CRD) v unregistered designs; term of protection; invalidity; infringement defences; authorship and ownership of designs; recent case law update; overlap between designs, copyright and Trade Marks.

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2 hrs. Gen. CPD

SESSION 10	TIME	DELIVERY
Saturday 14 January 2023	10:00am – 12:30pm	Online only
1 <b>Workshop 2: Consolidation of knowledge and preparation for the Trade Mark Agent exam.</b> <b>Topics:</b> Infringement, defences, passing off, remedies, litigation.		

2.5 hrs. Gen. CPD

### MODULE 8: ADVANCED TRADE MARKS

SESSION 11	TIME	DELIVERY
Wed 18 January 2023	2:00pm release	Online only
1 Online infringement and web blocking orders relating to Trade Marks		
2 Anti-counterfeiting mechanisms and filing an application for action		

2 hrs. Gen. CPD

SESSION 12	TIME	DELIVERY
Tuesday 25 January 2023	2:00pm release	Online only
1 Managing a Trade Mark portfolio/ monitoring Trade Marks		
2 Trade Mark and domain name protection: enforcement of rights through the UDPR		
3 Plain packaging legislation, where are we at?		

2.5 hrs. Gen. CPD

SESSION 13	TIME	DELIVERY
Saturday 4 February 2023	10:00am – 1:00pm	Online only
1 <b>Workshop 3: Consolidation of knowledge and preparation for the Trade Mark Agent exam.</b> <b>Topics:</b> Review of previous exam questions on the Trade Mark Agent exam.		

3 hrs Gen. CPD

### ASSIGNMENT DUE DATE: 6 MARCH 2023

Please note that topics & dates may be subject to change. Draft timetable as of September 2022.

\* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: [www.lawsociety.ie/diplomacentre](http://www.lawsociety.ie/diplomacentre)