

DIPLOMA CENTRE



Certificate in Trade Mark Law

COURSE OVERVIEW

This programme gives participants an insight into the law and practice of trade marks. It provides a practical approach to trade mark law that equips participants with the necessary skills to deal with issues that arise in practice. Regulation 2015/2424 (the CTM Regulation) will be examined in detail, with a focus on practical issues in each module of the course.

The course focuses on the legal principles and practical procedures for registering a trade mark at the Intellectual Property Office of Ireland, the European Intellectual Property Office (EUIPO), and the World Intellectual Property Office (WIPO), as well as how to deal with objections and oppositions. In addition, we examine the process of managing a trade mark portfolio and dealing with revocation, invalidity, and recordals.

The course also provides a detailed analysis of applicable procedures for enforcement of trade mark rights, infringement, and passing-off, together with an examination of applicable defences. Finally, a module on advanced trademarks will guide students through the topical areas of online infringement, web-blocking orders, domain name infringement, and plain packaging legislation. It also covers the topic of design law as this is now examined on the Registered Trade mark Agent exam offered by the Intellectual Property Office of Ireland.

PROGRAMME OBJECTIVES

On completion of this training programme, participants will have:

- An in-depth understanding of the legal issues pertaining to trade mark law;
- An ability to apply for registration of trade marks at the Intellectual Property Office of Ireland, EUIPO and WIPO;
- A detailed knowledge of examination, publication, oppositions procedures;
- The skills to manage a trade mark portfolio in practice;
- The ability to take an action for infringement of a registered/unregistered trade mark;
- A very sound basis for preparing for the registered trade mark agent exam offered by the Intellectual Property Office of Ireland (formerly the Irish Patents Office).

MODULES

Module 1: Introduction to trade marks

- The concept of a trade mark,
- Benefits of registration,
- Types of trade marks,
- PGIs, collective, certification, non-conventional,
- Filing systems.

Module 2: Community Trade mark Regulation

- Regulation 2015/2424,
- Practical impact.

Module 3: Registering trade marks

- Pre-filing considerations, searches and parameters,
- Classification of trade marks (Nice, Vienna),
- Application to Irish Patents Office,

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- Application to EUIPO,
- Application to WIPO,
- Formality and maintenance procedures.

Module 4: Trade mark registrability

- Refusal on absolute grounds,
- Acquired distinctiveness,
- Refusal on relative grounds,
- Official objections,
- Overcoming objections and refusals.

Module 5: Publication and oppositions

- Publication and its significance,
- Observations, differences at IPO, EUIPO, WIPO,
- Oppositions practice and procedure,
- Irish v EUIPO approach to oppositions,
- Appeals,
- Registration.

Module 6: Revocation and invalidity

- Trade mark use, including genuine use,
- Revocation, applicable grounds,
- Acquiescence and coexistence,
- Invalidity practice and procedure,
- Appeals.

Module 7: Infringement of trade marks

- Types of infringement,
- Defences,
- Remedies,
- Passing-off,
- Litigation.

Module 8: Registrable transactions

Assignments,

- Licences,
- Security interests,
- Agreements, recording transactions.

Module 9: Advanced trade marks

- Comparative advertising,
- Exhaustion of rights/parallel imports,
- Anti-counterfeiting,
- Online infringement/web-blocking orders,
- Domain name infringement, UDPR,
- Plain packaging legislation.

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Module 10: Design Law

- An introduction to design law in Ireland and the EU,
- Unregistered and registered designs,
- Infringement and remedies.

WHO SHOULD ATTEND?

This course is suitable for the following:

- Solicitors, barristers, and trainees who are working in the area of intellectual property or aspire to work in the area,
- Professionals working in intellectual property firms and to those managing intellectual property portfolios in industry,
- Sole traders and entrepreneurs.

If you are interested in applying for a future offering of the course, please subscribe to our [Interested List](#).

Note: The information in this document is subject to change as course content and modules may be adapted.