
Intellectual Property, Media and IT

Legal Flash | Portugal

July 2nd, 2019



Contents

The new Portuguese industrial property code has completely entered into force



I. The new Portuguese industrial property code has completely entered into force

On December 18th, 2018, Decree-Law no. 11/2018 was approved and introduced the new Portuguese industrial property code (IPC) to the Portuguese legal system. This Decree-Law also amended Law no. 62/2013 (Law of the Organization of the Judiciary system – LOSJ), as well as Law no. 62/2011 (concerning the regime for the legal disputes emerging from industrial property rights concerning medicinal products and generic medicines).

In its article 16, the IPC established its entry into force in three distinct phases:

- The amendment to Law no. 62/2011 entered into force on January 9th, 2019;
- The provisions of the IPC concerning trade secrets entered into force on January 1st, 2019; and
- The remaining provisions concerning the further changes to the IPC and the amendment to LOSJ entered into force yesterday, on July 1st, 2019;

Among the provisions that have now entered into force, the following can be highlighted:

- The Portuguese industrial property office shall be competent to decide on the claims of declaration of invalidity and annulment of designs, trademarks, logos, designations of origin and geographical indications, and rewards;
- The new regime on the serious use of trademarks: the applicant for a trademark application, in whose proceedings there has been an opposition on the basis of a previously registered trademark, may require the complainant to present evidence of the serious use of its trademark during the period of five consecutive years;
- The deadline for requesting the annulment of a trademark is of 5 years, instead of 10 years;
- The mandatory background examination of applications for utility models, leaving no possibility for a provisional registration;
- It is no longer mandatory that trademarks be susceptible of graphical representation, being sufficient that they can be represented in a way that allows the object of the conferred protection to its holder to be determined in a clear and precise manner;

It is also important to take into account Ordinance no. 201-A/2019, which also entered in force yesterday, July 1st, 2019, and which updates the amounts of the fees and provides for new fees resulting from the acts established by the new IPC, revoking Ordinance no. 1098/2008 of September 30th.



Contact

Cuatrecasas, Gonçalves Pereira & Associados,
Sociedade de Advogados, SP, RL
Sociedade profissional de responsabilidade limitada

Lisboa

Praça Marquês de Pombal, 2 (e 1-8º)
1250-160 Lisboa I Portugal
Tel. (351) 21 355 3800 I Fax (351) 21 353 2362
cuatrecasasportugal@cuatrecasas.com I www.cuatrecasas.com

Porto

Avenida da Boavista, 3265 - 5.1
4100-137 Porto I Portugal
Tel. (351) 22 616 6920 I Fax (351) 22 616 6949
cuatrecasasporto@cuatrecasas.com I www.cuatrecasas.com

For additional information on the contents of this document, please contact Cuatrecasas.

© Cuatrecasas, Gonçalves Pereira & Associados, Sociedade de Advogados, SP, RL 2018. The total or partial reproduction is forbidden. All rights reserved. This communication is a selection of the news and legislation considered to be relevant on reference topics and it is not intended to be an exhaustive compilation of all the news of the reporting period. The information contained on this page does not constitute legal advice in any field of our professional activity.

Information about the processing of your personal data

Data Controller: Cuatrecasas, Gonçalves Pereira & Associados, Sociedade de Advogados, SP, RL ("Cuatrecasas Portugal").

Purposes: management of the use of the website, of the applications and/or of your relationship with Cuatrecasas Portugal, including the sending of information on legislative news and events promoted by Cuatrecasas Portugal.

Legitimacy: the legitimate interest of Cuatrecasas Portugal and/or, where applicable, the consent of the data subject.

Recipients: third parties to whom Cuatrecasas Portugal is contractually or legally obliged to communicate data, as well as to companies in its group.

Rights: access, rectify, erase, oppose, request the portability of your data and/or limit its processing, as described in the additional information. For more detailed information on how we treat your data, please go to our [data protection policy](#).

If you have any questions about how we treat your data, or if you do not wish to continue to receive communications from Cuatrecasas Portugal, we kindly ask you to inform us by sending a message to the following email address: protection.officer@cuatrecasas.com.