

Basis for the legal registration of non-traditional trademarks in North Macedonia

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Abstract

Trademark law is one of the most interesting legal disciplines, not only in the field of intellectual property rights but generally within the general development of modern law. The essential function of a trademark is to distinguish goods and services offered by one undertaking from other undertakings. Therefore, trademarks can be considered as a tool for companies to communicate with consumers through various goods and services. With the registration of a mark, a trademark owner receives a right to prevent unauthorized use of a mark and a right to use a trademark to distinguish goods and services from competitors. In North Macedonia, most of the trademarks registered consist of 'traditional' marks (such as words, letters, pictures, numerals, etc.) With time passing, many companies in different countries but also in North Macedonia started to seek trademark protection of colours, the shape of products, sounds, holograms, etc. known as non-traditional trademarks. The efficient protection of such signs for public and business benefit is an important part of contemporary international and national legislation. This paper will provide how North Macedonian Industrial Property Law treats such trademarks, and by examining the law and the practice of the National Office for Industrial Property of North Macedonia will be concluded whether such non-traditional trademarks are registrable in North Macedonia. Moreover, this paper will also comment on the possibilities to have changes in the National Law for Industrial Property of North Macedonia in order to allow a more flexible approach towards the registration of non-traditional trademarks.

Keywords: Basis, legal registration, non-traditional trademarks, North Macedonia.

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