

# World Trademark Review *Daily*

**Amendment regarding restitution of lapsed trademark applications introduced**

**Slovenia - ITEM d.o.o**

**Examination/opposition  
National procedures**

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On December 21 2013 an amendment to Article 67 of the [Slovenian Industrial Property Act](#) came into force. The amendment introduced a new time limit to request the continuation of the proceedings following a lapsed trademark application.

The remedy of 'continuation of the procedure after delay' was a very useful legal remedy used to restore a lapsed trademark, patent or design application after the applicant had failed to observe a time limit in the procedure. This remedy was often used because applicants did not have to show due care, but merely had to file a request for continuation within a period of two months as of the date on which they had been informed of their failure to comply with a deadline. In practice, this meant that the procedure could be continued even several years after the applicant had failed to meet the deadline, so there was a need to introduce an objective time limit.

According to the amended Industrial Property Act, the request for continuation must still be filed within the existing two-month period after the applicant was informed of its failure to comply with a deadline (subjective time limit); however, the amendment states that such request must be filed within six months after the expiration of the deadline, at the latest (objective time limit).

This amendment, although minor, will undoubtedly provide greater legal certainty regarding existing industrial property rights.

*Veronika Vojir Vokal, ITEM doo, Ljubljana*

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