



**CRITERIA FOR DETERMINING WELL-  
KNOWN TRADEMARKS AND THEIR  
APPLICATION IN COURT  
PROCEEDINGS IN CASE OF  
INFRINGEMENT**



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- Well-known trademarks are important not only to trademark rights holders but also to consumers and society in general
- In the continuing (permanent) effort to determine the degree of "well-known" imposed as a requirement under Article 6 bis, the World Intellectual Property Organization has adopted joint recommendations with provisions relating to the protection of well-known marks.

- The legal protection of well-known trademarks deviates from the classical concept of legal protection of trademark signs.
- The good concept of the legal protection of well-known trademarks contributes to the provision of legal certainty and protection of investors in the field of industrial property rights
- The object of protection of well-known trademarks is the distinction and reputation enjoyed by the sign

- The protection of well-known trademarks is regulated for the first time in Article 5 paragraph 2 of Directive 89/104.
- this provision has a special character because it unites the distinctiveness and similarity of the sign with the action of damage and dilution - that is, the right of the trademark with the right of competition;

## Specifics of well-known trademarks

- **Reputation or fame of the trademark in the specific region**
- **Degree of knowledge about the mark of the people within a certain sector**
- **Extent and duration of use of the trademark**
- **Extent and scope of publicity for the trademark**
- **The degree of distinctiveness/uniqueness of the mark**
- **Extent of the commercial value contributed and use of the same mark by third parties**
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- The legal protection of well-known trademarks deviates from the classic principles of legal protection of signs with trademarks in the function of protecting the economic interest in trade
- The system of protection is closely correlated with the economic perspectives of business entities
- Expansion of the object of trademark protection, including fame as an essential component that, according to the new concept, is subject to protection
- The expansion of the object of protection indicates the improvement of the position of well-known trademarks in a procedural legal sense.