CONTENTS

	EFACE			
CH	APTER I			
INT	TRODUCTION			1
	Intellectual property			1
	The law of intellectual property in Sri Lanka			1
	Trade marks & service marks			3
	Sources of the law			5
	Administration of marks			5
100	Definition of a mark			6
	Exclusive right to a mark			7
	Entitlement to registration			7
	What constitutes a mark			8
	Burden of proof			8
	Registration as of right			8
CH	APTER II			
	MISSIBILITY OF MARKS I			13
AD	Shapes or forms			14
				14
	Descriptiveness			18
*	Generic signs or indications Marks incomple of distinguishing	V		10
	Marks incapable of distinguishing			18
	the goods or services			27
	Immoral, scandalous and anti-social marks			27
	Misleading marks			30
	Names of individuals or enterprises			31
	Geographical Names & Surnames			35
	Armorial bearings, flags or other emblems etc.			
	Official signs or hall-marks			35
	Prescribed words or definitions		- 1	35
	Marks resembling expired, renounced, removed or			2.
	nullified marks			36
	Special considerations			38
СН	APTER III			
	MISSIBILITY OF MARKS II	*		39
	Misleading resemblance to	* * * ;		
	another lawfully filed or registered mark			39
				60
				62
		5.794		
	well-known mark or trade name			64
	WON-KIIOWII IIIGIK OI GUGO IIGIIIO			

Other third party rights and unfair competition Marks applied for by agents or representatives Consent CHAPTER IV REGISTRATION OF A MARK Requirements of application Agent of the applicant Date of application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Position to registration Register of Marks Duration of registration The mode of giving the Registration Register of Marks Duration of registration The mean of registration Proceed the Registrar to the evidence Position to registration Register of Marks Duration of registration The mean of registration Proceed the Registration Proceed
CHAPTER IV REGISTRATION OF A MARK Requirements of application Agent of the applicant Date of application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Possible of marks Duration of registration Register of Marks Duration of registration specification of the Registrar to be evidence Possible of marks Puration of registration Precion and rectification of the Register PTER V SHTS AND LIMITATIONS
REGISTRATION OF A MARK Requirements of application Agent of the applicant Date of application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Previous Page 100 P
REGISTRATION OF A MARK Requirements of application Agent of the applicant Date of application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Previous Page 100 P
Requirements of application Agent of the applicant Date of application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Pouncompletion of registration Register of Marks Duration of registration Priority Application Priority Application as to substance Publication of the application Topposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Pouncompletion of registration Priority Priori
Agent of the applicant Date of application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Pono-completion of registration Register of Marks Duration of registration Prection and rectification of the Register Population of the Registrar Population of registration Population of
Agent of the application Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration prection and rectification of the Register PTER V SHTS AND LIMITATIONS
Amendment of application Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Prection and rectification of the Register PTER V SHTS AND LIMITATIONS
Priority Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration pnewal of registration prection and rectification of the Register PTER V CHIMITATIONS 71 71 71 71 71 71 71 71 71 71 71 71 71
Application fee Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration prection and rectification of the Register PTER V SHTS AND LIMITATIONS 71 71 71 71 71 71 71 71 71 7
Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Prection and rectification of the Register PTER V CHTS AND LIMITATIONS
Examination as to form Examination as to substance Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration newal of registration of the Register PTER V SHTS AND LIMITATIONS 72 72 72 72 72 72 75 75 75 76 77 76 77 76 77 76 77 76 77 78 97 97 98 98 Certificate of the Registrar to be evidence 99 99 Non-completion of registration 99 Non-completion of registration 99 Prection and rectification of the Register 100 100 102
Withdrawal of acceptance Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Puration of registration Prection and rectification of the Register PTER V SHTS AND LIMITATIONS 75 75 75 75 75 75 75 75 76 77 77
Publication of the application Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Puration of registration Prection and rectification of the Register PTER V SHTS AND LIMITATIONS 75 76 76 77 76 78 79 79 77 76 77 78 79 79 79 79 79 70 70 70 70 70 70 70 70 70 70 70 70 70
Opposition to registration The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration Prection and rectification of the Register PTER V SHTS AND LIMITATIONS 76 77 77
The mode of giving evidence Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration orrection and rectification of the Register PTER V SHTS AND LIMITATIONS 97 98 98 09 09 09 09 09 09 00 00
Appeals Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration prection and rectification of the Register PTER V SHTS AND LIMITATIONS 98 98 99 99 09 09 09 09 09 09 09 09 09 09 09
Costs Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration orrection and rectification of the Register PTER V SHTS AND LIMITATIONS 98 98 98 99 99 190 190 190 190 190 190 190 190 1
Stamps Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks 99 Ouration of registration 99 enewal of registration 99 rection and rectification of the Register PTER V SHTS AND LIMITATIONS 98 98 99 190 190 190 190 190 190 190 190 190
Certificate of the Registrar to be evidence Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration orrection and rectification of the Register PTER V SHTS AND LIMITATIONS
Certified copies to be evidence Non-completion of registration Register of Marks Ouration of registration newal of registration orrection and rectification of the Register PTER V SHTS AND LIMITATIONS 99 100 100 100 100
Non-completion of registration Register of Marks Ouration of registration newal of registration orrection and rectification of the Register PTER V CHTS AND LIMITATIONS 99 100 100 100 100 100
Register of Marks Ouration of registration newal of registration orrection and rectification of the Register PTER V CHTS AND LIMITATIONS 99 100 100 100 100
Ouration of registration 99 enewal of registration 100 orrection and rectification of the Register 100 PTER V GHTS AND LIMITATIONS 102
enewal of registration 100 prrection and rectification of the Register 100 PTER V CHTS AND LIMITATIONS 102
PTER V SHTS AND LIMITATIONS 100
PTER V GHTS AND LIMITATIONS 102
GHTS AND LIMITATIONS 102
GHTS AND LIMITATIONS 102
Recognised rights 102
Preclusion of third parties
Limitation of rights 107
Other limitations 108
Unregistered marks
omegistered marks
CHAPTER VI
ASSOCIATED MARKS, COLLECTIVE MARKS AND
TRADE NAMES
Associated marks
Collective marks
Trade names

ALTERATION, RENUNCIATION, REMOVAL AND NULLITY Alteration of a mark Renunciation of registration Removal of a mark Nullity of registration CHAPTER VIII ASSIGNMENT, TRANSMISSION AND LICENCE	118 119 120 122 125 125 127
Alteration of a mark Renunciation of registration Removal of a mark Nullity of registration CHAPTER VIII	118 119 120 122 125 125
Renunciation of registration Removal of a mark Nullity of registration CHAPTER VIII	119 120 122 125 125
Removal of a mark Nullity of registration CHAPTER VIII	120 122 125 125
Nullity of registration CHAPTER VIII	122 125 125
CHAPTER VIII	125 125
	125
ACCICNIMENT TRANSMISSION AND LICENCE	125
ASSIGNMENT, TRANSMISSION AND DICENCE	125
CONTRACTS	
Assignment and transmission	127
Licence contracts	
CHAPTER IX	
ENFORCEMENT I	133
Infringement	133
Infringement proceedings and licensees	139
Declaration of non-infringement	140
Unfair competition	141
Passing off	144
Unregistered marks	145
Infringement of copyright	145
CHAPTER X	
ENFORCEMENT II	146
Infringement of marks	146
False representations regarding marks	147
Other offences as to marks and	
trade descriptions	148
Forging the marks	152
Falsification of entries in the Register of Marks	153
Provisions relating to evidence and procedure	153
Miscellaneous matters	155
Abbreviations	160
Table of cases	161
Bibliography	168
Index	169