

Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (Recast) (Text with EEA relevance)

CHAPTER 2

**SUBSTANTIVE LAW ON TRADE MARKS**

*SECTION 5*

***Trade marks as objects of property***

*Article 22*

**Transfer of registered trade marks**

- 1 A trade mark may be transferred, separately from any transfer of the undertaking, in respect of some or all of the goods or services for which it is registered.
- 2 A transfer of the whole of the undertaking shall include the transfer of the trade mark except where there is agreement to the contrary or circumstances clearly dictate otherwise. This provision shall apply to the contractual obligation to transfer the undertaking.
- 3 Member States shall have procedures in place to allow for the recordal of transfers in their registers.

*Article 23*

***Rights in rem***

- 1 A trade mark may, independently of the undertaking, be given as security or be the subject of rights *in rem*.
- 2 Member States shall have procedures in place to allow for the recordal of rights *in rem* in their registers.

*Article 24*

**Levy of execution**

- 1 A trade mark may be levied in execution.
- 2 Member States shall have procedures in place to allow for the recordal of levy of execution in their registers.

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*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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## Article 25

### Licensing

1 A trade mark may be licensed for some or all of the goods or services for which it is registered and for the whole or part of the Member State concerned. A licence may be exclusive or non-exclusive.

2 The proprietor of a trade mark may invoke the rights conferred by that trade mark against a licensee who contravenes any provision in his licensing contract with regard to:

- a its duration;
- b the form covered by the registration in which the trade mark may be used;
- c the scope of the goods or services for which the licence is granted;
- d the territory in which the trade mark may be affixed; or
- e the quality of the goods manufactured or of the services provided by the licensee.

3 Without prejudice to the provisions of the licensing contract, the licensee may bring proceedings for infringement of a trade mark only if its proprietor consents thereto. However, the holder of an exclusive licence may bring such proceedings if the proprietor of the trade mark, after formal notice, does not himself bring infringement proceedings within an appropriate period.

4 A licensee shall, for the purpose of obtaining compensation for damage suffered by him, be entitled to intervene in infringement proceedings brought by the proprietor of the trade mark.

5 Member States shall have procedures in place to allow for the recordal of licences in their registers.

## Article 26

### Applications for a trade mark as an object of property

Articles 22 to 25 shall apply to applications for trade marks.