

# WORLD TRADE ORGANIZATION

IP/N/1/CYP/1/Rev.1

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

CYPRUS

Revision

By means of communications from its Permanent Mission, dated 26 April 2000, and 1, 2 and 20 June 2000, the following notification has been received from Cyprus under Article 63.2 of the Agreement.

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With reference to the review of the Cyprus implementing legislation during the meeting of the Council on TRIPS of 26-30 June 2000, the Permanent Mission of the Republic of Cyprus in Geneva has the honour to submit herewith the following documents, forwarded by the Registrar of Companies and Official Receiver:

- The main dedicated laws and regulations. (See Annex I.)
- Other laws and regulations. (See Annex II.)
- Agreement on Trade-Related Aspects of Intellectual Property Rights (Parts I and II). (See Annex III.)
- Conventions and Treaties on Intellectual Property Rights Ratified by Cyprus. (See Annex IV.)
- Answers to the Checklist of Issues on Enforcement.<sup>1</sup>

An addendum to this document, concerning a number of laws and regulations also contained in the communication of 2 June 2000, will be circulated once the corresponding texts of those laws and regulations have been notified.

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<sup>1</sup> See document IP/N/6/CYP/1.

**ANNEX I**

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS**

<b>TITLE, DATE OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><b>Copyright and related rights</b></p> <p><u>Copyright Law (N° 59/76)</u><sup>2</sup>, 12 August 1977 and 1 June 1978, as amended by Copyright (Amendment) Law N° 63/77, October 1977, and Copyright (Amendment) Law N° 18(1)/93, 1 January 1994</p> <p><b>Trademarks</b></p> <p><u>Trade Marks Law, Cap. 268</u><sup>3</sup>, as amended by Trade Marks (Amendment) Law N° 63/62; Trade Marks (Amendment) Law N° 69/71 (for Certification Trade Marks); and Trade Marks (Amendment) Law N° 206/90 (to include Service Marks)</p> <p><b>Geographical indications</b></p> <p><u>Trade Descriptions Law N° 5/87</u><sup>4</sup>, as last amended in 1992</p> <p>Article 11 of the <u>Trade Marks Law, Cap. 268</u><sup>3</sup>, as amended by Trade Marks (Amendment) Law N° 63/62; Trade Marks (Amendment) Law N° 69/71 (for Certification Trade Marks); and Trade Marks (Amendment) Law N° 206/90 (to include Service Marks)</p>	<p>Protects: scientific works, literary works, musical works, artistic works, cinematograph films, photographs, sound recordings, broadcasts, against unauthorised copying, sale, rental distribution, lending advertising exhibiting in public, the communication to the public.</p> <p>Provides for the registration of trademarks for goods and services and certification trademarks.</p> <p>Misleading descriptions are prohibited.</p> <p>Geographical indications cannot be registered as trademarks.</p>

<sup>2</sup> See document IP/N/1/CYP/C/1.

<sup>3</sup> See document IP/N/1/CYP/T/1.

<sup>4</sup> See document IP/N/1/CYP/G/1.

<p style="text-align: center;"><b>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</b></p>	<p style="text-align: center;"><b>BRIEF DESCRIPTION</b></p>
<p><u>Geographical Indications and Appellations of Origin Draft Bill</u><sup>5</sup></p> <p><b>Industrial designs</b></p> <p><u>Copyright Law (N° 59/76)</u><sup>2</sup>, 12 August 1977 and 1 June 1978, as amended by Copyright (Amendment) Law N° 63/77, October 1977, and Copyright (Amendment) Law N° 18(1)/93, 1 January 1994</p> <p><b>Patents (including plant variety protection)</b></p> <p><u>Patents Law of 1998, N° 16(1)/98</u><sup>6</sup></p> <p><u>Patents Law (Amendment), N° 21(1)99</u><sup>5</sup></p> <p><u>Patents Law (Amendment) Draft Bill</u><sup>5</sup></p> <p><u>Patent Regulations of 1998</u><sup>7</sup></p> <p><b>Plant variety protection</b></p> <p><u>Plant Variety Protection Draft Bill</u><sup>5</sup></p>	<p>Are protected as artistic works.</p> <p>Supplementary protection certificate on plant protection products.</p>

<sup>5</sup> The text of this law will be circulated upon receipt of its translation into a WTO language.

<sup>6</sup> See document IP/N/1/CYP/P/2.

<sup>7</sup> See document IP/N/1/CYP/P/3.

<b>TITLE, DATE OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><b>Layout-designs (topographies) of integrated circuits</b></p> <p><u>Copyright Law (N° 59/76)<sup>2</sup></u>, 12 August 1977 and 1 June 1978, as amended by Copyright (Amendment) Law N° 63/77, October 1977, and Copyright (Amendment) Law N° 18(1)/93, 1 January 1994</p> <p><b>Protection of undisclosed information</b></p> <p><u>Contract Law, Cap. 149<sup>8</sup></u></p> <p><u>Contract Amendment Law 22(1) of 1995<sup>5</sup></u></p>	<p>Such information is protected by private contract.</p>

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<sup>8</sup> See document IP/N/1/CYP/U/1.

**ANNEX II**

**OTHER LAWS AND REGULATIONS**

<p><b>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</b></p>	<p><b>BRIEF DESCRIPTION</b></p>
<p><b>Copyright and related rights</b></p> <p><u>Copyright (Competent Authority) Regulation, N° 249/77</u></p> <p><b>Trademarks</b></p> <p><u>Trade Marks Rules of 1951, Suppl. III, p. 647</u></p> <p><u>Trade Marks (Amendment) Rules of 1971, Suppl. III(1), p. 907</u></p> <p><u>Trade Marks (Amendment) Rules of 1984, Suppl. III(1), p. 1189</u></p> <p><u>Trade Marks (Amendment) Rules of 1990, Suppl. III(1), p. 1031</u></p> <p><u>Trade Marks (Amendment) Rules of 1992, Suppl. III, pp. 335-342</u></p> <p><b>Geographical indications</b></p> <p><u>Vine Industry (Regulation and Control) Law 65 to 1989</u></p> <p><u>Vine Industry (Regulation and Control Law) (Appellations of Origin of Wines and Spirits) Regulations of 1999 N° 151/99</u></p>	<p>The fees part repealed.</p> <p>Service Marks – Repealed.</p>

<p style="text-align: center;"><b>TITLE</b> <b>DATE OF ADOPTION AND ENTRY</b> <b>INTO FORCE</b></p>	<p style="text-align: center;"><b>BRIEF DESCRIPTION</b></p>
<p><b>Control of anti-competitive practices</b></p> <p><u>Law on the Protection of Competition</u></p> <p><u>Exclusive Purchasing Agreements (Block Exemptions) Order (20/96) of 1995</u></p> <p><u>Block Exemptions (Franchise Agreements) Order (120/98)</u></p> <p><u>Block Exemption (Technology Transfer Agreements) Order (121/98)</u></p> <p><b>Civil judicial procedures and remedies</b></p> <p><u>Courts of Justice Law</u></p> <p><u>Civil Procedure Rules, Chapter 12</u></p> <p><u>Advocates Law</u></p> <p><u>Courts of Justice Fees Regulations</u></p> <p><u>Advocates Law Regulations</u></p> <p><u>Copyright Law (N° 59/76) ,</u> 12 August 1977 and 1 June 1978, as amended by Copyright (Amendment) Law N° 63/77, October 1977, and Copyright (Amendment) Law N° 18(1)/93, 1 January 1994</p>	

<b>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><u>Trade Marks Law, Cap. 268,</u> as amended by Trade Marks (Amendment) Law N° 63/62; Trade Marks (Amendment) Law N° 69/71 (for Certification Trade Marks); and Trade Marks (Amendment) Law N° 206/90 (to include Service Marks)</p> <p><u>Patents Law of 1998, N° 16(1)/98</u></p> <p><b>Provisional judicial measures</b></p> <p>The above laws.</p> <p><b>Special requirements related to border measures</b></p> <p><u>Customs Law 86/67</u></p> <p><u>Draft Bill on the Control Against the Free Circulation of Counterfeit and Pirated Products</u></p> <p><b>Criminal procedures</b></p> <p><u>Copyright Law (N° 59/76),</u> 12 August 1977 and 1 June 1978, as amended by Copyright (Amendment) Law N° 63/77, October 1977, and Copyright (Amendment) Law N° 18(1)/93, 1 January 1994</p> <p><u>Criminal Code, Cap. 154</u></p> <p><u>Criminal Procedure, Cap. 155</u></p>	<p>Sections 39 and 49.</p>

<b>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<b>Any administrative procedure and remedies not covered above</b>  Nil	



## **ANNEX III**

### **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)**

#### **PART I**

##### **GENERAL PROVISIONS AND BASIC PRINCIPLES**

Cyprus Law agrees with all articles of this part, except that the Treaty on Intellectual Property in Respect of Integrated Circuits (1989) has not been ratified.

#### **PART II**

##### **STANDARDS CONCERNING THE AVAILABILITY, SCOPE AND USE OF INTELLECTUAL PROPERTY RIGHTS**

###### **SECTION 1: COPYRIGHT AND RELATED RIGHTS**

The Cyprus Copyright Law<sup>2</sup> fully complies with the requirements of this section.

###### **SECTION 2: TRADE MARKS**

The Cyprus Trade Marks Law<sup>3</sup> fully complies with the requirements of this section.

###### **SECTION 3: GEOGRAPHICAL INDICATIONS**

A national law has been drafted which fully complies with the requirements of this section, but it has not been enforced yet.

Together with the national law it is expected that the Lisbon Agreement for Protection of Appellations of Origin and their International Registration will be ratified.

###### **SECTION 4: INDUSTRIAL DESIGNS**

A national law that complies fully with this section has been drafted, but it has not entered into force yet.

###### **SECTION 5: PATENTS**

The Cyprus Patent Law<sup>6</sup> that came into force in April 1998 complies fully with this section.

Cyprus has also ratified and is a member of:

- the European Patent Convention, and
- the Patent Co-operation Treaty.

## **SECTION 6: LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS**

Cyprus has not ratified the Treaty on Intellectual Property in respect of Integrated Circuits, but a national law on layout-designs (topographies) of integrated circuits is now being drafted.

## **SECTION 7: PROTECTION OF UNDISCLOSED INFORMATION**

As to the protection of undisclosed information, even though there is no specific legislation, nevertheless the unauthorised use of undisclosed information is protected in Cyprus as a private right under civil law. The owner of a trade secret may take action as a tort for breach of duty arising out of a business relation and may claim liquidated damages or, if appropriate, in cases where the disclosure is a breach of contract or contract of employment, there are remedies under the Contract Law. The remedy may be an injunction or interim order to stop the use of the trade secret and one may also claim and be awarded damages.

But there are no provisions constituting disclosure of confidential information a criminal offence.

## **SECTION 8: CONTROL OF ANTI-COMPETITIVE PRACTICES IN CONTRACTUAL LICENCES**

The Cyprus Law on the Protection of Competition is completely in line with the EU Regulations on the subject. (It covers monopolies, mergers, etc.)

There is no single legislation in Cyprus on intellectual property rights for anti-competitive practices in contractual licences, except various orders, i.e.

- The Exclusive Purchasing Agreements (Block Exemptions) Order (20/96) of 1995, which is in line with relevant EU Regulation N° 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements.
- The Block Exemptions (Franchise Agreements) Order (120/98), which again is in line with EU relevant Regulation N° 4087 of 30 November 1988 on the application of Article 85(3) of the Treaty to certain categories of franchise.
- The Block Exemption (Technology Transfer Agreements) Order (121/98), again in line with EU relevant Regulation N° 240/96 of 31 January 1996 on the application of Article 85(3) of the Treaty to certain categories of technology transfer agreements.

**ANNEX IV**

**CONVENTIONS AND TREATIES ON INTELLECTUAL PROPERTY RIGHTS  
RATIFIED BY CYPRUS**

1. The Paris Convention for the Protection of Industrial Property in 1965 and 1983, Law 63/65 and 66/83.
2. The Berne Convention for the International Protection of Literary and Artistic Works in 1979, Law 86/79.
3. Nairobi Treaty on the Protection of the Olympic Symbol (II 1985), Law 9/85.
4. Universal Copyright Convention in 1990, Law 151/90.
5. The Convention Establishing the World Intellectual Property Organisation (WIPO) in 1984, Law 36/84.
6. The Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms in 1992, Law 21(III)/92.
7. European Convention relating to Questions on Copyright Law on Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite in 1995, Law 29(III)/95.
8. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1995), Law 16(III)/95.
9. Trademark Law Treaty (in 1996), Law 12(III)/96.
10. European Patent Convention, Law 26(III)/97.
11. Patent Co-operation Treaty, Law 27(III)/97.
12. The Rome Convention for the Protection of Performers Producers of Phonograms and Radio Television Organisations in 1999, Law 14(III)/99.

**ALSO THE FOLLOWING CONVENTIONS AND AGREEMENTS  
ARE ABOUT TO BE RATIFIED**

1. The Lisbon Agreement Concerning the Protection of Appellations of Origin and their International Registration.
  2. The Madrid Agreement Concerning the International Registration of Marks.
  3. The protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.
  4. The International Convention for the Protection of New Varieties of Plants (U.P.O.V.). (together with a new national legislation).
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