

Grace Periods for Renewals Montenegro (ME)

During what time can a trademark be renewed?

A trademark may be renewed during 6 months preceding the expiry date and within 6 months from the expiration date (with payment of penalty fees)

Formal Requirements for Renewal

Power of Attorney, in original (simply signed, no legalization/notarization is required).

Are renewals published in the Official Gazette?

No, renewals are not published in the Official Gazette.

Grace Period for Trademark Renewal

The grace period for renewals is 6 months from the expiration date of the trademark.

Additional fees during grace period (*please in local currency*)

There is a 50% surcharge on the renewal official fees.

What is the proceeding after the expiry of the grace period?

After the expiry of the grace period, the trademark will lapse.

Will the owner/agent be notified of pending cancellation due to non-payment of fees?

No, the trademark owner/agent will not be notified of pending cancellation due to non-payment of fees.

Can a lapsed trademark be restored?

According to the provisions of the Law on administrative procedure (Official Gazette of Montenegro Nos. 556/14, 20/15, 40/16 37/17), there is a possibility to file a claim for restitutio in integrum. A party who, for justified reasons, failed to perform an action within the set deadline in the administrative procedure, losing the right to perform such an action because of that omission, would be allowed restitutio in integrum at request. In the restitutio in integrum request, the party must state the circumstances that led to the omission.

The restitutio in integrum request must be filed within eight days from the day when the reason for which the party failed to perform an action ceased to exist, or from the date the party learned about the omission if he/she was informed later on. The restitutio in integrum request cannot be submitted after the expiration of the deadline of 30 days from the day of omission.

Can a trademark be re-registered by third parties after lapse or is there a certain time period during which re-registration by 3rd parties is blocked?

There is no timeframe within which a lapsed mark is blocked from re-registration by third parties.