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# INDICAM

— PER LA TUTELA DELLA PROPRIETÀ INTELLETTUALE

## **To All Category A Associates - COMPANIES**

Dear all,

We wish to draw to your attention to a brief procedure for applying for statutory declarations relating to distinctive signs that the Governing Board approved at its meeting on 6 May last.

In order to apply for declaration, the Brand must provide the following materials to the INDICAM Litigation Expert Group for examination:

- a Certificate of Registration of the distinctive sign for which the declaration is sought, if available (for example, if the declaration is to be produced in proceedings that involve a finding of distinctiveness in several territories, the Certificates of Registration of the Trademark in the various countries concerned are required, or a Community Certificate);
- information on the proceedings for which the declaration is sought, including the name of the opposing party and the distinctive sign and/or images of the product that the applicant claims is an imitation;
- evidence to support the claims that INDICAM is asked to validate and confirm, in particular marketing documentation attesting to the uniqueness of the distinctive sign for which the declaration is sought (for example: brand awareness surveys, information on the intensity of use of the trademark in the territory in question, and if possible examples of print or online advertising campaigns) and reports and statements by experts in the field. If the applicant requires specific and detailed information to be included in the declaration, adequate evidence must be provided of its veracity;
- if available, Court judgments recognising the position of the distinctive sign in question on the market and/or its renown.

All the material must be provided in organic form (all in a single submission) with a short accompanying note, at least 10 days prior to the request for signature, in order to allow a proper analysis of the request and a straightforward and timely response.

Sincerely,

INDICAM

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