



MarkIt to Market™ - March 2016

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The March issue of Sterne Kessler's [MarkIt to Market™](#) newsletter discusses use requirements of which trademark owners should be aware before undertaking a foreign filing program, and currently open gTLD sunrise periods.

Sterne Kessler's Trademark, Advertising, and Anti-Counterfeiting [practice](#) is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact [Monica Riva Talley](#) or [Tracy-Gene G. Durkin](#).



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Use It or Lose It: IKEA's Trademark Battle in Indonesia

By: [Shana L. Olson](#) and [Monica Riva Talley](#)

When IKEA opened its first store in Indonesia in late 2014, it wasn't the only IKEA in town. Indonesian furniture company PT Ratania Khatulistiwa registered its IKEA mark (presumably an acronym for Intan Khatulistiwa Esa Abadi) in 2013, after successfully demonstrating that the Swedish retailer had not actively used its mark in Indonesia for commercial purposes for three consecutive years. Indonesia's Supreme Court confirmed last year that IKEA's marks were, in fact, subject to cancellation due to non-use and that PT Ratania Khatulistiwa's registration for the mark was valid.

Non-use of a mark, despite registration, can make a mark vulnerable to cancellation in a number of countries. In Australia, Japan, South Korea, Canada, China, and Russia, for example, registrations can be vulnerable to cancellation after three years of consecutive non-use, despite any future intent to use the mark. In some European countries, the period of non-use is five years.

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gTLD Sunrise Periods Now Open

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please contact us or see our [December 2013 newsletter](#) for information as to what the Sunrise Period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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