

# General Information on Community Trademarks

## GENERAL INFORMATION ON INTERNATIONAL REGISTRATIONS

### *What Is a CTM?*

A Community Trade Mark (CTM) is a unitary trade mark providing protection throughout the member states of the EU. CTM protection can be sought for words, logos, designs, shapes, sounds and colours, and even smells.

### *What Protection Does a CTM Offer?*

The CTM provides trade mark protection across the EU in relation to the goods and services for which the mark is or will be used. There are 45 different possible classes of goods and services from which to choose protection for a mark.

### *Is Prior Use Necessary?*

There is no need to specify use or intent to use at the application stage. A mark should be used within five years of the date of registration, absent which it may be vulnerable to a challenge of non-use.

### *What is the Term of Protection?*

The term of protection is ten years from the filing date, renewable for consecutive terms of ten years.

### *What is a Priority Claim?*

An application may claim priority from an earlier national application provided the application is made within six months of the first national filing. This means that if an application proceeds to registration, it will offer protection from the same date as the first national filing.

### *Who Can Oppose the Application?*

Owners of earlier trade marks (whether registered or unregistered) and other interested third parties. Applications are published in the Official Journal. Objections to the application must be filed within three months of publication. There are various searching tools available, that can help identify prior rights.

## INFORMATION AND DOCUMENTS REQUIRED FOR A CTM APPLICATION

To prepare and file a Community Trade Mark application, we need the following information:

- (a) A representation of the trade mark
- (b) A clear description of the goods and services to which the mark relates
- (c) A statement as to the identity of the applicant, setting out its name, address and nationality
- (d) Where the applicant is a legal entity, the legal form of that entity, such as limited company or partnership, together with any trading names, and the name of the country (and state, where applicable) where the legal entity has been incorporated
- (e) Where a claim based on priority is to be made, the application number, country of filing and filing date of the priority mark
- (f) A power of attorney (which may be filed after the application);
- (g) A copy of any priority application, certified by the trade mark office of the country of filing (which may be filed up to three months after the application)

## ADVANTAGES OF THE COMMUNITY TRADE MARK

- Its unitary nature means that the CTM is valid throughout the EU.
- It involves the cost-effective filing of one application, in one language, instead of separate filings in different languages in the national registries of the individual member states.
- Infringement proceedings brought in one member state can take effect throughout the EU.

# Community Trademarks

	Professional Fees <sup>1</sup>		Official Fees <sup>2</sup>
	£	€	
Initial trade mark strategy advice	325	500	Not applicable
Preparation and filing of application	450	720	€900 per application (includes up to three classes of goods or services)
Additional fees for more than three classes	150	240	€150 per additional class
Prosecution	Hourly rates apply		Not applicable
Registration	Hourly rates apply		€850 per application (includes up to three classes of goods or services)

All official fees and professional fees are exclusive of VAT (if applicable). Standard service charges include charges for the completion of official forms. Preparation of any other document is charged at an hourly rate.