



COMMUNITY TRADE MARK FACT SHEET

When I've chosen my mark what should I do first?

We will always recommend that you have a search conducted before you incur any costs in relation to adoption of a new trade mark. A search should identify any marks which could present you with problems with either use or registration of your chosen mark in whatever countries you plan to sell into.

Why Choose a Community Trade Mark?

If you sell your goods, or offer your services under the mark, in two or more of the countries listed below, then a Community registration is the most cost effective way to protect your mark.

A Community trade mark registration will protect the mark in the whole of the European Community, namely:

•Austria •Benelux (Belgium, Luxembourg, Netherlands) •Bulgaria •Cyprus •Czech Republic
•Denmark •Estonia •Finland •France •Germany •Greece •Hungary •Ireland •Italy •Latvia
•Lithuania •Malta •Poland •Portugal •Romania •Slovakia •Slovenia •Spain •Sweden •United Kingdom.

A Community registration is a unitary mark, it is not therefore possible to pick and choose which countries are to be protected.

What happens once an application has been filed to protect my Trade Mark?

The application is filed with the Office for Harmonization in the Internal Market ("OHIM"). The application is then examined, for example, the mark is examined to determine whether it is registrable (i.e. whether it is distinctive, descriptive, deceptive, etc.).



Once any objections have been dealt with details of the application are published in the Community Trade Mark Bulletin. There follows a three month opposition period, during which time the proprietor of an earlier Community right, or a right protected in any member state may oppose registration of the application.

Providing no opposition is filed, the application will proceed to registration. If an opposition is successful based on a prior right in one of the member states, the applicant has the choice of "converting" the Community trade mark application into a bundle of national trade mark applications in the other member states on payment of fees.

Once my Trade Mark is registered what then?

A Community trade mark registration remains in force for a period of 10 years, and is renewable for like periods subject to payment of renewal fees.

It is essential to use the mark the subject of a registration in order to maintain its validity. Any continuous period of 5 years' non-use will leave the registration vulnerable to cancellation by third parties.

A Community trade mark registration is a very economical way of obtaining protection throughout the European Union – but remember, neither Norway nor Switzerland belong to the EU.

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