

## How to Register a Trade Mark as a European Union Trade Mark

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#### What rights does a European Union trade mark registration give you?

A European Union trade mark (EUTM) registration covers all 27 member states of the European Union\*. A EUTM Registration has to be renewed every ten years. A EUTM registration gives you exclusive rights to use the trade mark in the European Union. A trade mark registration can stop another trader using a mark which is either identical or similar to the registered trade mark, in relation to goods or services which are identical or similar to the registered goods and services. In certain circumstances, a trade mark registration can stop the use of an identical or similar mark on wholly dissimilar goods.

EUTM registrations are vulnerable to revocation if the trade mark covered by the registration has not been used in any five-year period following the date of grant of the registration. A EUTM registration can be used to claim 'priority' in relation to trade mark applications filed outside the European Union, if such applications are filed within six months of the filing date of the EUTM application. This means that if a foreign trade mark application is filed within six months of the EUTM application and priority is claimed, the filing date of the foreign application will effectively become that of the EUTM application.

\*Member states of the European Union:

Austria	Estonia	Latvia	Slovak Republic
Belgium	Finland	Lithuania	Slovenia
Bulgaria	France	Luxembourg	Spain
Czech Republic	Germany	Malta	Sweden
Cyprus	Greece	Netherlands	Republic of Ireland
Croatia	Hungary	Poland	Romania
Denmark	Italy	Portugal	

\*Effective 1st January 2021

#### What information do we require to file a European Union trade mark application?

- Full name and address of applicant;
- Country and state, if appropriate, of incorporation of the applicant;
- Details of the trade mark to be registered;
- If the trade mark consists of a logo, a good representation of the logo, preferably by e-mail in jpeg format;
- Details of the goods and services to be sold under the trade mark;
- Details of any foreign trade mark application on which priority is to be claimed, if appropriate.

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### EUROPEAN UNION TRADE MARK APPLICATION PROCESS (ASSUMING NO SIGNIFICANT OBJECTION)

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#### Start of process

- Undertake an optional pre-filing trade mark search
- File trade mark application
- Receive official filling receipt

#### 1 Month

- Receive search report (automatically only covers prior European Union Trade Mark rights; additional national searches can be conducted for an extra fee)
- Receive formalities examination report, generally concerning any specification issues

#### 2 Months

- Possibly receive examination report on distinctiveness grounds
- File any observations in reply and/or evidence to any distinctiveness objections

#### 3 Months

- European Union trade mark application advertised for opposition purposes
- Open to opposition by third parties for three months from the date of publication in the Official European Union Trade Mark Bulletin

#### 6 Months

- If European Union trade mark application is unopposed, process to registration
- If European Union trade mark application is opposed proceed into the opposition procedures - unless settled this can take 1/2 years to resolve

#### 7 Months

- Registration certificate issued electronically