

How to Register a Trade Mark in the United Kingdom

What rights does a United Kingdom trade mark registration give you?

A United Kingdom trade mark registration covers England, Scotland, Wales, Northern Ireland and the Isle of Man. It is renewable every ten years. A United Kingdom trade mark registration gives you exclusive rights to use the trade mark in the United Kingdom. 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.

Trade mark infringement proceedings based on a United Kingdom trade mark registration cannot be brought until the trade mark application has proceeded to registration, but all rights in the registration date back to the date of filing the application, including the right to claim damages. United Kingdom trade mark 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.

It is possible to register more than one trade mark under one trade mark application in the United Kingdom, as a 'series' of trade marks. However, the trade marks concerned must be very similar and not differ to any great extent. For example, different colour variations of the same trade mark could be considered a series.

A United Kingdom trade mark registration can be used to claim 'priority' in relation to trade mark applications filed outside the United Kingdom, if such applications are filed within six months of the filing date of the United Kingdom trade mark application. This means that if a foreign trade mark application is filed within six months of the United Kingdom trade mark application and priority is claimed, the filing date of the foreign application will effectively become that of the United Kingdom trade mark application.

What information do we require to file a United Kingdom trade mark application?

- Full name and address of applicant;
- Country and state (if appropriate) of incorporation of the applicant;
- Details of the trade mark or trade marks 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).

UK Trade Mark Application Process (Assuming No Significant Objection)

Start of Process

- Undertake an optional pre-filing trade mark search
- File trade mark application

1 Week

- Receive official filing details: official application number and official filing date

3 Weeks

- Official examination report received
- Application examined on distinctiveness grounds and in relation to prior rights: the report includes an advisory search report on potential conflicting prior trade mark applications and registrations
- If objections raised on distinctiveness grounds, file response. Decide whether to allow application to proceed if prior rights grounds raised

5 Weeks

- Application is advertised for opposition purposes in the official Trade Marks Journal
- Application is automatically open to opposition for a period of two months which can be extended by one month
- Owners of International and United Kingdom applications and registrations which are raised in the advisory search report will be advised of advertisement of the application

3 Months

- If unopposed, the trade mark application will proceed to registration
- If opposed, the application will enter opposition proceedings which can last for up to two years

4 Months

- A certificate of registration is usually issued within a month of the end of the advertisement period or at the end of any successful opposition proceedings