

## European Union trademark for All EU Member States

April 2022

Registration of a European Union trademark is performed by the European Office of Intellectual Property (EUIPO) in Alicante, Spain. It is possible to claim the priority of a national trademark application up to six months after its filing date.

Expenses<sup>1</sup> to be paid with the application **for one class of goods or services** are as follows:

<b>Online Application charges (EUIPO)</b>	850 €
<b>Attorney's fee 1<sup>st</sup> part</b>	1.200 €
<b>Attorney's fee 2<sup>nd</sup> part after registration</b>	500 €
	<b>2.550 €</b>

costs <sup>1</sup> for the second class ( <i>office fee + attorney's fee</i> )	150 €
costs <sup>1</sup> for any further class ( <i>office fee + attorney's fee</i> )	300 €
<i>Optional: Office charge for national Search reports</i>	<i>actual 60 €</i>
<i>drafting an opinion letter, if appropriate</i>	<i>approx. 100 – 250 €</i>

The EUIPO will check whether there are **absolute grounds for rejection** (lack of distinctiveness, descriptive character) and will also examine the list of goods and/or services for adequate clarity of definition. If any faults are found, it will be necessary to file an appropriate response (costs according to time spent).

The EUIPO will also issue a **Search Report** on protective rights within the register of the EUIPO that were valid prior to the claimed priority date and. For an extra charge, additional national Search Reports can be provided. These, however, will be incomplete, since not all national offices offer such a search. We will forward you the Search Report(s) and make comments where necessary (costs according to time spent, normally from 100 € to 250 €).

If no absolute grounds for rejection of the mark application exist, the EUIPO will inform the owners of prior European trademarks or prior European trademark applications. The trademark application is then published. During a period of three months following publication any proprietor of a prior right can raise an objection to the mark application if a likelihood of confusion is suspected. In the resulting **opposition proceedings** the mark application may be rejected in full or in part (*ie* for certain classes of goods or services). **The loser of the case will be required to pay costs of the winner as officially imposed** (300 € for the opposing attorney's fees plus 320 € opposition costs, if applicable). The winner of the case will be required only to pay the costs demanded by winner's own attorney, which will exceed the fees payable by the opponent (300 €).

If no appeal is raised or the appeal proceedings terminate positively for the applicant, the mark is registered.

For the **continuation of power of attorney** for the period lasting from registration up to the first extension after 10 years we charge **500 €**. This fee covers updating the files, deadline monitoring, forwarding incoming correspondence, and providing information on the case.

**Payment of the renewal fee following expiry of the first ten year period** can provide protection for a further ten years. Our fee covers the timely transfer of office charges to the EUIPO and the continuation of power of attorney up to the next renewal period, including deadline monitoring of the next extension period, and is valid for **one class of goods or services** as follows:

Office renewal charges (e-renewal)	850 €
Attorney's fee	1.400 €
	<b>2.250 €</b>
costs for the second class ( <i>office fee + attorney's fee</i> <sup>1</sup> )	150 €
costs for any further class ( <i>office fee + attorney's fee</i> <sup>1</sup> )	275 €

<sup>1</sup> included attorney's fees are net costs

## **Collective Mark**

In addition to the already described individual marks, collective marks are also known in trademark law. The latter are used to differentiate the goods and services of the collective members from those of other companies by operational or geographical origin, type, quality or other characteristics.

Applicants can be incorporated organizations or their umbrella organizations as well as legal entities under public law. It is mandatory to submit regulations governing the trademark, which among other things establish the purpose of the organization, the preconditions for membership and conditions for using the collective mark.

## **Certification Mark**

Since 2017, the European Union trademark provision also permits applications to be submitted for certification marks. These are used to certify specific qualities of the goods or services, which are to be monitored by a neutral instance.

An applicant can be anyone who is not the manufacturer or distributor of the claimed goods or provider of the claimed services. It is mandatory that regulations governing the trademark be submitted for such a trademark application as well. Among other things, the latter must contain a neutrality declaration of the applicant, the characteristics underlying the certification, as well as information about their examination and monitoring.

## **Trademark protection for UK after Brexit**

For every EU trade mark, registered before 1 January 2021, IPO has automatically, free of charge, created a comparable UK trademark on 1 January 2021. These comparable UK trade marks are fully independent from the original EU trade mark. It is ensured, that any use of the mark in the EU made before 1 January 2021, whether inside or outside UK, will count as use of the comparable UK trade mark.