



# COMMUNITY TRADE MARKS (CTM)

## Introduction

The European Community established the Office for the Harmonisation of the Internal Market (OHIM) and in particular the Trade Marks and Designs office in Alicante in Spain to administer a single registry for Community Trade Marks for the Member States. This enables a single application to be made for a Community-wide trade mark which is valid in all the Member States.

## Application

Eligible applicants are nationals of member countries, nationals and residents of Paris Convention countries, businesses in Paris Convention countries and nationals of countries which give the same level of protection as countries which have signed the Paris Convention.

The application is filed either directly at OHIM in Alicante, Spain or via UK Intellectual Property Office. The application should be made in one of the five working languages of OHIM. These are the main languages of the European Community. Applications will then be accorded a filing date. The application, once filed, will be dealt with exclusively by OHIM.

## Fees and Timescales

Community trade mark fees are divided into two parts. You must pay an application fee within one month of filing your application. Your application will then be considered. At the end of the opposition period you must then pay a registration fee. All fees are payable in Euros. The costs on application are our fees of £300+vat and payment to OHIM of EU900 for up to three classes of goods or services. Additional class fees may be payable (depending on your application) and these are EU150 per class thereafter.

At this time, a preliminary search will be conducted by OHIM. In contrast with current United Kingdom registry practice, although the applicant will be notified of the search results, the application will still proceed to the advertising stage and it is for third parties to object, rather than the registry itself. If the application is advertised and no objections are received in the opposition period then the applicant will be notified.

At this stage the application is ready to proceed to grant. If you decide to register the mark you will incur our costs of £150+vat and registration costs payable to OHIM of EU850 for up to three classes.

## Advantages

The advantage of a Community Trade Mark is that you get protection in all member states in the European Union through a single registration. Although the cost of application and registration may seem substantially higher than a UK registration there are substantial savings compared to registering separately in each individual country. If your application encounters opposition you still have the option to convert it to applications in particular member states.

## Disadvantages

Unless you plan to use your trade mark "community wide" you may wish to consider whether or not your mark will be vulnerable to revocation on the grounds of non-use. This arises where third parties can demonstrate to the registry that your mark is not in use as a trade mark in a particular member state. A successful application to revoke your mark in a single member state will remove protection in all member states.

## Enquiries

To make an enquiry about registering a CTM, please contact our office in Manchester in the first instance and we will then discuss the proposed trade mark with you in detail. We will need to see a sample of any proposed mark in order to give you the fullest advice. You can send this to us (where convenient) by email to [client@mtmlegal.co.uk](mailto:client@mtmlegal.co.uk). If possible, please include a contact telephone number so that we can revert to you to for a preliminary discussion about the proposed trade mark.

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