



# TRADE MARK SEARCHES

## Introduction

If you are considering making an application to register a trade mark we strongly recommend you contact us to discuss making a search of the trade mark registry to examine whether or not there are any prior conflicting marks. This is because, in the United Kingdom, and elsewhere a trade mark application once made cannot be amended, except in very limited circumstances and the application fee is non-refundable.

The object of a search is thus two fold. To enquire about the presence of existing registered rights which could have a bearing on the prospects for successful registration and co-existence of your trade mark, and to avoid wasting time and expense in preparing applications which have little prospect of success.

## Searches

We are able to conduct a variety of searches for you and provide advice as to the suitability of a proposed mark as to registration. Briefly these are:-

- A general search to disclose any word(s) already in use, which are registered trade marks, for the same or similar goods or services. This is sometimes called a Word Only Search.
- A search of the UKIPO with advice as to registerability of a proposed word or device (logo), shape or sound with the intention of disclosing a prior competing mark (a mark which is already registered) for similar goods or services and which would be already protected so as to exclude registration of your proposed mark. This is sometimes called a Search with Advice as to Registerability (SAS)
- A “common law” search for unregistered marks, which although not registered may prove to be a barrier to registration of your proposed mark by virtue of their existence and enforcement rights which derive from their presence in the market place. This is referred to as a “Common Law Search”
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## Fees and Timescales

The fees for a trade mark search range from around £50 to £230 depending on the type of search you choose. For example, in the case of a United Kingdom proposed mark application we will almost certainly recommend you choose a search with advice as to registerability. This is because the search will be conducted at the United Kingdom registry and will provide a comprehensive report as to absolute and relative grounds for refusal of your proposed mark. Assuming a search for up to three classes of goods or services a typical fee will be £135. Please note VAT (where applicable) will be added to our charges. Reports of this kind take approximately ten working days to receive. Reports for other types of search can vary in timescale. A preliminary or word only search will be returned in a few days. Common law or foreign reports will vary depending on the work load of the search team or the relevant registry.

## Enquiries

To make an enquiry about trade mark searches, 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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