



Trade Mark Attorneys

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ABOUT SEARCHING

It is important to ensure before starting to use a mark that it does not conflict with the rights of others. Even if the mark has already been used in respect of certain goods or services for some time, it is advisable to check before branching out into different product lines.

A check on the Internet can provide plenty of information about whether a particular trade mark may already be in use. It is even possible to check the databases of the Trade Marks Office in many territories. However, the searching facilities on these official databases publicly available over the Internet are limited in nature. We can undertake more sophisticated searches which reduce the risk of missing an earlier right that may prevent use.

The following is a guide to the different types of searches that can be undertaken. Although it is usually advisable to carry out the fullest possible search, there are circumstances in which a more refined search may suit. We will gladly advise as to which type of search may suit your specific circumstances.

United Kingdom

We can undertake an identical search to check whether there are any prior registrations or applications for the same mark that could obstruct the application or make the mark unavailable for use.

An identical search in the United Kingdom in respect of a word mark will cost from £40 (but may be closer to £150 if you require comment from us as to the

relevance or otherwise of any marks located).

Full Availability Searches.

These will make a check against not only the identical mark, but also phonetic renderings and visually similar words. In addition, the scope of the goods and services will be expanded to cover related areas and not just the specific goods or services of interest. Such a search will give a realistic indication of the availability of the mark for use and registration.

A full search in respect of a word mark will cost about £300 to £400. This includes our analysis of the marks located and advice as to the availability of the mark. The search can also include a limited domain name search and company name search.

Searches in respect of logos are obviously a little more difficult to undertake, and it is usually necessary to undertake a full search. To reduce costs, the number of classes covered may not be as extensive as in the case of a word mark. The cost of such a search in the United Kingdom will be something of the order of £350 to £450.

Searches in the United Kingdom will include European Community Trade marks and International Registrations designating the United Kingdom.

Community Trade Marks

An official search is undertaken as part of the Community Trade Mark application

process. However, these official searches are cursory in nature, and whilst they may identify major obstacles, it is still advisable to make individual searches of the databases in specific countries before starting to use a trade mark in any territory.

We can undertake a full availability search covering all 27 individual countries currently making up the European Union. The search will also extend to the Community Trade Marks Register and any International registrations designating those countries. To undertake such a search in respect of one class only will cost from £6,000.

Screening Searches

These can be undertaken in a number of countries, but will only identify identical marks and give an indication of the feasibility of proceeding further with a particular name.

The cost of a worldwide screening search will be approximately £900. It is possible to include up to 15 classes at this cost.

The information provided by a screening search is limited, and may necessitate further investigations which will incur additional charges. It can be helpful to undertake such a search in respect of a new trade mark that is intended to be used in a number of countries in a particular region, prior to undertaking full searches. It can also help to identify the extent to which a particular mark

(whether your own or that of another party) may have been filed.

Other countries

We can undertake searches in other countries, and if you need us to provide costings for any specific projects then we can do so.

Charges

The charges indicated above are on the assumption that the search is carried out on a non-urgent basis, with the searches usually being completed in just over a week. Additional costs would be incurred if the search has to be carried out on a more urgent basis.

These figures may vary depending on the main classes of interest, as the searching agencies will usually charge a supplement in respect of searches in the more crowded classes (namely Classes 1,3,5,9,16,25 and 30).

The nature of the mark can also have a bearing on the final charges. For example, if the mark contains an element that is widely used, then a large number of marks may be located. As our charges are time based, the final charges may therefore be higher if a large number of marks have to be reviewed.

If you would like to have an estimate of the likely charges before committing to a search, then we can gladly provide that on a case by case basis.

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WHY USE US:

We are a long established firm comprising trade mark professionals, i.e. all exam qualified members of the UK Institute of Trade Mark Attorneys. We would be pleased to hear further from you if we can undertake any work on your behalf