

ABOUT UNITED KINGDOM TRADE MARKS

WHAT CAN BE FILED AS A TRADE MARK?

Any person or company intending to use a trade mark in the United Kingdom or already using a trade mark in the United Kingdom is entitled to seek registration of that trade mark on the United Kingdom Trade Marks Register.

The application must identify the applicant and its address and must contain a clear representation of the mark and an indication of the goods and/or services to be covered.

The United Kingdom uses the International Classification System for goods and services and it is possible to file applications covering more than one class. We will gladly give guidance on the classification of your specific goods or services.

In order to be registrable in the United Kingdom, a trade mark must have distinctive character. Ordinary descriptive words or the names of important geographical locations, e.g. countries or cities, may not be considered distinctive for the purposes of registration.

Further, the mark must not give a misleading impression as to the nature or quality or other characteristics of the goods or services claimed.

Apart from these stated exclusions, virtually any mark is registrable in the

United Kingdom and this includes distinctive shapes, slogans and even tunes.

SEARCHES

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 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.

1) Identical Only Searches.

We can undertake an identical search to check whether there are any prior registrations for the same mark which could obstruct the application or make the mark unavailable for use. The results will give an indication of the feasibility of proceeding further.

2) Full Availability Searches.

These will make a check against not only the identical marks, 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. Checks can also be made against company name registrations and domain names. Such a search will give a realistic indication of the availability of the mark for registration.

Prior to filing a trade mark in the United Kingdom, it is wise to conduct a full search of the United Kingdom Register to ensure that the subject mark is not likely to conflict with any prior registered rights. As part of that search, we will also cover the Community Trade Marks Register, since any such registrations will extend to the United Kingdom. Similarly, we will check for International Registrations which designate the United Kingdom.

The cost of conducting a search of the UK/CTM/International Registers, including our opinion on the results for one mark in one class is, on average, between £300-£400.

WHAT HAPPENS ONCE THE APPLICATION IS FILED?

The mark is examined by the United Kingdom Trade Marks Office, both in terms of inherent registrability and in terms of potential conflict with prior United Kingdom and prior Community trade mark registrations and

applications, as well as International registrations extending to the United Kingdom.

If the mark is judged registrable, it proceeds to publication in the UK Trade Marks Journal and then remains open to third party opposition for a two month period. A prospective opponent may apply to extend this period by one month.

If no opposition is encountered, the Registration Certificate issues. The whole process is usually completed within 6 months, assuming that the application does not encounter any official or third party objections.

Once registered, the mark remains in force for 10 years counting from the date of application and can be renewed thereafter every 10 years.

COSTS

Please ask for our current schedule of fees.

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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