

## COMPARISON OF INTERNATIONAL AND COMMUNITY TRADE MARKS

	INTERNATIONAL TRADE MARK	COMMUNITY TRADE MARK
Accessibility	Owner must have establishment or be domiciled in, or be a national of, a Member Country of the Agreement or Protocol.	Owner must have establishment, seat or domicile in, or be a national of, a member State or be party to Paris Convention or The World Trade Organisation.
Geographical Coverage	Agreement or Protocol countries or both. There are now in excess of 60 member countries of the Protocol. In addition, it is possible to designate all the countries in the European Community as one entity (i.e. as a Community Trade Mark).	The European Union, namely Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
Choice of Territories	Yes.	No.
Extension to New Territories	Yes, but necessary to request subsequent designation.	Yes – automatically extended to new countries as they join the European Union.
Preconditions for Protection	Basic application or basic registration in office of origin.	No – directly filed with the office (OHIM).
Dependence on Basic Application or Registration	For first five years. Successful 'central attack' results in loss of International Registration, but ability to <i>transform</i> under Protocol.	No basic application or registration required.

Examination	At national level after registration in line with usual procedure for individual countries. Refusal results only in loss of protection (wholly or partially) in country concerned. N.B. Requirement to appoint local agents to respond to the Office's objections if raised on absolute grounds. Relative grounds can be raised by the owners of earlier rights in opposition or in revocation/invalidity after registration has been granted.	By OHIM on absolute grounds. No official examination for prior rights. Refusal is for the entire European Union, but option to <i>convert</i> . Relative grounds can be raised by the owners of earlier rights in opposition or in revocation/invalidity after registration has been granted.
Opposition	There is no opposition procedure to the overall International Registration, but opposition to individual national designations in line with the usual procedure for country concerned.	Possible. The owner of an earlier right in just one territory of the European Union may be able to oppose successfully.
Languages	English, French and Spanish.	OHIM official languages are English, French, Italian, German and Spanish. CTM application can be filed in any language of the EU, but opposition/cancellation proceedings are conducted in one of the official languages.
Use Requirements	As per local law, but usually within five years of registration. Thus, necessary to use in each designated country.	Within five years of registration. Use in one member state may suffice to validate entire CTM registration.
Assignment	May be partial as to territory.	For the entire European Union only.
Cancellation	Successful attack in designated country affects that territory only.	Successful attack in one Member State may lead to cancellation of the CTM, but ability to <i>convert</i> .
Enforcement of Infringement Rights	Separate national prosecutions.	In a CTM court with jurisdiction for entire EU.
Consolidation of Existing National Registrations	Replacement (but not of basic application/registration).	Seniority.
Duration	10 years.	10 years.

Costs and Renewal Fees	Depends on the countries designated, but in general filing fees are lower. However, if objections are encountered, there may be additional fees for appointing local agents to deal with objection.	Reasonable. However, opposition costs can be high.
Conversion/Transformation	Possible.	Possible.

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