Trade Marks:
Essential Reading
**Introduction** This booklet will help you apply to register a trade mark in the UK. It also includes information about applying to register a trade mark outside the UK. We have done our best to make sure that the information in it is correct. However, the booklet does not set out to cover every part of trade mark law.
Section 1
Provides essential information to help you decide if you need to register a trade mark in the UK and what you should do before you apply. This section also explains how we deal with your application once we get it.

Section 2
Explains what other action you may have to take to get your mark registered, and how to keep it registered. This section also provides information about registering your trade mark internationally.

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What you should think about before making your UK trade mark application

What is a trade mark?

A trade mark is a sign which can distinguish your goods and services from those of other traders. A sign includes, for example, words, logos, pictures or a combination of these.

You can use your trade mark as a marketing tool so that customers can recognise your products or services.

Points to consider before making your application

The following are the main points you need to think about carefully before sending us your application.

• Is your trade mark a distinctive word, logo, picture or other sign that will clearly identify your goods or services from those of other traders?

If we don’t think it is, we will object to your mark.

• Has someone else already registered or applied to register a trade mark which may be confusingly similar to yours? For example, does it:

  • look the same as (or similar to) yours for the same (or similar) goods or services; or
  • sound the same as (or similar to) yours for the same (or similar) goods or services?

If they have, your application may be opposed by the owner of any such earlier marks. This could mean that your application would not become registered and you may have to pay costs.

The information in the next few pages covers these and other points you need to consider.

Your name and address

Your application details, including your name and address, will appear on our records. We also include them in the Trade Marks Journal if we accept your application. Both are open to the public on our website, which can be permanently searched using most standard search engines. If you do not want your home address published give us a different address or a P.O. Box number.
What you should think about before making your UK trade mark application

Warning 1

Some companies and individuals are sending out unsolicited invitations to applicants and owners of UK trade marks and patents inviting them to apply for entry in various (sometimes official sounding) publications and “registers” in return for payment of a fee. These parties tend to make their offers in the form of invoices, which are usually sent out after the publication of the official UK application.

You should be aware that these companies are not linked to any Government or Community Institution and there is no obligation to pay them.

The only Offices that are able to provide legal protection for patents, designs and trade marks in the UK are the Intellectual Property Office itself, the European Patent Office and the Community Trade Mark Office (more formally the Office for Harmonisation in the Internal Market - OHIM).

Examples of these invoices can been viewed on our website at www.ipo.gov.uk/warning.

Warning 2

Other businesses are writing to applicants for UK trade marks offering (for a fee) to file a Community trade mark application based on the data present in the UK application. If you decide to consider such an offer you should check:

a) Whether the person is offering to represent you before OHIM in the event of any problems with, or objections to, your application (not everyone can), and

b) Whether the fee quoted by the UK service provider includes the official fees for making a Community trade mark application and, if not, how these will be paid.

If you receive such a letter or invoice, check carefully to see exactly what services you are being offered and whether it comes from an official source such as those listed above. If you are in any doubt, please check with your registered Trade Mark or Patent Attorney, or with your Solicitor, or contact us.

If you need to find a qualified legal representative, try the following

itma.org.uk
cipa.org.uk
lawsociety.org.uk
What you should think about before making your UK trade mark application

Important

• You cannot make changes to your trade mark or add goods or services after you have sent us your application form.

• We cannot refund your application fee for any reason.

So, please read this booklet carefully before you apply.

Your trade mark

We will object to words, logos, pictures or other signs which are unlikely to be seen as a trade mark by the public.

For example, marks which:

• describe your goods or services or any characteristics of them (for example, marks which show the quality, quantity, purpose, value or geographical origin of your goods or services);

• have become customary in your line of trade;

• are not distinctive; or

• are any combination of the above.

As you can see from the above, we are likely to consider invented words (or even dictionary words which are not in any way associated with your goods or services) as distinctive.
What you should think about before making your UK trade mark application

Examples

Below are examples of the sorts of signs that we would object to, because they would not be seen as trade marks or are signs which other traders may want to use (or both).

7 Days A Week

These days many traders advertise that their goods or services are provided seven days a week.

TASTYFOOD

If you are trading in food, these two words simply describe a quality of your goods. Joining the two words together would not make this mark acceptable.

TOYS direct

‘Direct’ describes goods or services sold directly to the public and is widely used by traders. The fact that, for example, the kind of goods being sold is included in the mark does not help.

The one for you

Slogans such as this are often used in trade and are not distinctive.

Reasons for our objection

How can you avoid your mark falling into these categories?

Make sure your trade mark is a distinctive word, logo, picture or other sign that will clearly identify your goods or services from those of other traders.

Made-up words, logos or pictures are normally distinctive unless they have become customary in your line of trade. Even normal dictionary words may be acceptable as long as they do not fall foul of these guidelines.

Examples

Below are examples of distinctive trade marks. The first three are, or include, prominent, invented words. Although the fourth mark is made up of two dictionary words, it would be seen as a trade mark since ‘Herringbone’ is distinctive for financial services. (Note that this word would not be distinctive for goods such as textiles as it is a type of pattern.)

FARNOOZ
emarno
WINDOWS
Danryvol
Herringbone
Finance
What you should think about before making your UK trade mark application

Useful tips

If you think we are unlikely to agree that your trade mark is distinctive, you may want to consider including a prominent invented word, logo or picture in your mark. (Don’t forget that you cannot alter your trade mark once you have sent us your application form, so we can only consider the mark you put on the form.)

If what you include stands out enough and is distinctive in relation to your goods or services, it may avoid the type of objection explained in this section. For example, we would not consider the mark COFFEE SHOP to be distinctive for cafes. The mark ZATKOR COFFEE SHOP, on the other hand, would be distinctive as the public would see ZATKOR as being a trade mark.

In the same way, we would not consider QUALITY HANDBAGS to be distinctive for handbags. However, we would consider the mark FRISHCOSS QUALITY HANDBAGS to be distinctive as FRISHCOSS would be seen as a trade mark.

The information above is only guidance. We cannot guarantee that it will avoid any objections. We consider each case on its own merits.

Common misconceptions

We may not accept words, logos, pictures or other signs which are unlikely to be seen as a trade mark by the public just because they are:

- in an unusual typeface;
- in colour;
- joined together;
- misspelt (for example, ‘xtra’, ‘fone’ and so on);
- presented as an Internet domain name or with the words ‘.com’, ‘.co.uk’ and so on; or
- a combination of any of the above.

We will also not accept marks which are:

- three-dimensional shapes, if the shape is typical of the goods that you are interested in (or part of them), has a function or is decorative;
- specially-protected emblems;
- offensive;
- against the law (for example, promoting illegal drugs); or
- deceptive (there should be nothing in the mark which would lead the public to think that your goods or services have a quality which they do not.)

If your application is objected to because of any of the reasons detailed above, or on the previous pages, your application would not be allowed to proceed unless you were able to overcome these objections.

Company names and domain names

Please remember that registering a company name at Companies House or an internet domain name with a registrar, such as Nominet UK (www.nominet.org.uk), does not mean we will automatically accept that name as a trade mark. These registrations do not give you any exclusive right to use that name. Also, a domain or company name registration may infringe someone else’s trade mark.

If you want to find out more about registering your business as a limited company, please contact:

Companies House
Crown Way
Cardiff
CF14 3UZ

Phone: 0303 1234 500
E-mail: enquiries@companies-house.gov.uk
Or you can visit their website at www.companies-house.gov.uk
What you should think about before making your UK trade mark application

Has someone else got there first?

This is another important consideration that you should think about before applying for a trade mark: has someone got an earlier mark on the register which may be considered to be confusingly similar to your mark? For example, does it:

- look the same as (or similar to) yours for the same (or similar) goods or services; or
- sound the same as (or similar to) yours for the same (or similar) goods or services?

To find out if they have, we search the Trade Marks Register which contains UK marks, international marks relating to the UK and European Community marks.

If we find earlier marks that may be potentially confusingly similar to the mark that you apply for, we will inform you of this in the examination report. These earlier marks will not be raised as an objection to your application proceeding. However, if there are no other objections raised against your application, and you decide to proceed, we will write to the owners of earlier UK and International UK marks and notify them of the publication of your application.

We then publish your application in our Trade Marks Journal where your application is open to opposition for a two month period by any of the owners of the earlier marks we have identified, or anyone else. This period can be extended to three months by anyone considering opposing your application.

If your mark is successfully opposed, your mark would not become registered. In addition, this would be likely to result in a costs award against you, which if you contest the opposition could be as much as several thousand pounds.

Carrying out your own search

You can search the Trade Marks Register yourself before making your application. The register is held on our computer databases and is available at our Newport office and at the British Library's Business and Intellectual Property Centre in London.

If you use these facilities, it is your responsibility to carry out a proper search and to interpret the results of it. You will be asked to sign a form to show that you understand this.

To carry out a search in Newport, please ring us on 0300 300 2000 to make an appointment. Our office is open from Monday to Friday between 9am and 5pm (except bank holidays).

Our address is:

Intellectual Property Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

To carry out a search in London, you will need to apply for a reader’s pass. For details, please ring the British Library on 020 7412 7676 or visit their website at www.bl.uk/reshelp/inrrooms/stp/register/stpregister

For information about the Business and Intellectual Property Centre, visit their website at www.bl.uk/bipc or ring 020 7412 7901.

Their address is:

The British Library
96 Euston Road
St Pancras
London
NW1 2DB.

We also have a text search facility on our website (www.ipo.gov.uk).

Regardless of whether someone else has, or has not, applied for an identical or similar trade mark to yours for identical or similar goods or services, we may still object to your mark as explained earlier in this booklet. Our enquiry staff cannot give advice about how likely we are to object or about earlier marks found in your search.
What you should think about before making your UK trade mark application

Examine your application

When we receive your application, we will examine it to ensure that the goods and services are correctly classified and that the trade mark is distinctive and not deceptive.

We will also search for any earlier conflicting UK trade marks, European Community trade marks (CTMs), or International marks that are protected in the UK or the EU as a whole.

We will send you an examination report identifying any potential conflicting marks and any other objections.

You will be given two months to contact the examiner in order to discuss your application and attempt to overcome any problems that have been brought to your attention.

What happens if the examiner objects to my mark?

If the examiner objects to your mark, you will be given two months to:

• try to persuade us that the objections are not justified; or

• overcome them in some other way.

If you want to put forward reasons why we should accept your mark, you can phone or write to the examiner.

If there are relatively straightforward ways of overcoming our objections, the examiner will tell you about these in the examination report.

You can also apply to have a formal meeting (a hearing) with a Hearing Officer who is a senior official in the Trade Marks Registry. At the hearing you will have the opportunity to put forward your case which will allow the Hearing Officer to make a decision on the future of your application.

What if I cannot overcome the objections?

You can either withdraw your application or we will write to you telling you that it has been refused. We will also refuse your application if you do not reply to the examination report when there are objections against your application, for example, if we consider your mark to be descriptive, etc.

What happens if the examiner finds earlier marks on the register that may be confusingly similar to mine?

Details of any earlier marks that the examiner considers to be potentially confusingly similar with yours will be detailed in the examination report. These earlier marks will not be a barrier to your application proceeding. If the only problem is that the search has revealed earlier apparently conflicting marks, it is up to you to decide if you want your application to proceed to publication in the Trade Marks Journal. If you do not reply within the two months we will assume that you want your application to proceed to publication.

You should carefully consider whether you want to proceed with the application as we will notify the owners of earlier UK and international UK marks of your application when it appears in our Trade Marks Journal. If they consider your mark is too similar to their earlier right, they may oppose your application. As a result you may not be able to get your mark registered. If this happens, it would also be likely to result in a costs award against you, which if you contest the opposition could be as much as several thousand pounds.

Further information on the considerations is available on our website at www.ipo.gov.uk

“If there are relatively straightforward ways of overcoming our objections, the examiner will tell you about these in the examination report”. 
What you should think about before making your UK trade mark application

Notifying owners of earlier marks

If we find potentially conflicting marks to the one that you have applied for, and your application proceeds to advertisement in the Trade Marks Journal, we will notify owners of earlier UK marks, and owners of International registrations designating the UK (international UK). We will not notify owners of Community Trade Marks and International marks protecting the EU as a whole.

How can I avoid these notifications being sent?

You can contact the examiner to discuss possible ways of overcoming the need to notify these earlier mark owners, for example, by deleting goods or services from your application to attempt to remove the potential conflict. However, you will only have one opportunity to put your comments and/or suggestions in writing to the examiner. The examiner will then consider your written submissions and decide whether it is necessary to notify the earlier mark owners. You will be informed of the decision and then your application will be forwarded to advertisement in the Trade Marks Journal accordingly, as long as there are no other outstanding objections against your application. We will then notify the earlier UK and international UK mark owners, if we consider there to be a possibility of a risk of confusion between your mark and theirs.

Alternatively, if you accept that there is likely to be a conflict and you do not want to take the chance that your application will be opposed, you could approach the owner(s) of the earlier mark(s) to see if they will consent to the registration of your mark. This may not always be the best option for you to take as they could refuse consent, or ask you for certain undertakings from you to cover the professional costs of dealing with your request. However, this is likely to be less than the costs you would incur if the owner of the earlier marks successfully opposes your application after it is published. It is your business decision as to how you decide to proceed in these circumstances. You may wish to seek professional legal advice from The Chartered Institute of Patent Attorneys (CIPA) www.cipa.org.uk or The Institute of Trade Mark Attorneys www.itma.org.uk to help you decide what to do.

Can I appeal the examiner’s decision to notify the owners of earlier marks about my application?

These earlier marks are not being raised as a formal objection and are not a barrier to your application proceeding to advertisement in the Trade Marks Journal. As such, there is no right of appeal and you are not entitled to request a hearing to argue on this matter. Therefore, whatever you decide to do you must do it within the period the examiner allows (normally two months). You cannot file evidence of Honest Concurrent Use at the examination stage to avoid the need for a notification to be issued either for the same reason.

What happens if the examiner does not object to my mark or I overcome the objections?

Your mark will be advertised in the Trade Marks Journal which is published on our website www.ipo.gov.uk every Friday. Notifications will be sent to earlier UK and international UK mark owners that we have identified in our search of the register at this time. There is a period of two months which allows anyone (whether we have notified them, or not) to oppose or consider opposing the registration of your mark. This period can be extended to three months by anyone who tells us they are considering opposition.

What if someone opposes my application?

If your application is accepted, it proceeds to advertisement in the Trade Marks Journal. When we publish your mark, owners of earlier marks (whether we have notified them, or not), will have the opportunity to oppose it.

We will let you know if someone opposes your application. Our letter will tell you why the person or organisation opposing (called the opponent) thinks that your trade mark should not be registered. You will then need to decide whether you want to challenge the opposition or withdraw your application. If the opposition is based on rights in an earlier mark, those rights could be for one or more of the following reasons.

- There has already been an application or registration for the trade mark in the UK.
- There has already been an international registration which is protected in the UK.
- There has been an earlier European Community trade mark application or registration.
- There are unregistered rights which the opponent may say are theirs on the basis of common law.
What you should think about before making your UK trade mark application

If you decide to defend your application against the opposition, we will write to explain the full procedures and timescales involved. If your application has been opposed because someone feels that there is a likelihood that your trade mark will be confused with theirs, a senior officer will normally give a preliminary indication (an initial view) as to which side is likely to succeed in the dispute. If there are other reasons for the opposition, or either side refuses to accept the preliminary indication, both sides may provide facts, and arguments, which a different senior officer of the Trade Marks Registry will consider when deciding the matter.

We will not be able to tell you how to present your case because the Trade Marks Registry is a tribunal and one of our senior staff is responsible for deciding the outcome of the opposition. This means that once a dispute has begun, we must act fairly and independently at all times. So, you should think about getting professional advice from The Chartered Institute of Patent Attorneys (CIPA) www.cipa.org.uk or The Institute of Trade Mark Attorneys (ITMA) www.itma.org.uk before you decide anything.

If you decide to withdraw your application after we have received an opposition, you will normally have to pay costs to the opponent. If you defend the opposition and lose the case, you will have to pay not only your own costs but you are also likely to have to pay some of the opponent’s costs. The costs we award are only part of the full costs, not the full amount. Even if you are successful, you are unlikely to recover all your costs through the amount we award. The costs we award are normally based on a scale which you can view on the trade mark section of our website at www.ipo.gov.uk.

"If we do not object to or question your trade mark and it is not opposed, it will normally take around six months to become registered".
What you should think about before making your UK trade mark application

Applying for a series of marks

A series application consists of a number of marks which are essentially the same and where any differences are not significant, for example the same word mark shown in CAPITALS, in italics, and in plain lower case lettering:

BLOGWIDGE
blogwidge
blogwidge

The maximum number of marks you can apply for is six. There will be no additional fee for the 1st and 2nd marks, but each mark after the first two will be subject to an additional fee of £50 per mark.

How long does the process take?

If we do not object to or question your trade mark and it is not opposed, it will normally take around six months to become registered.

If you are able to overcome our objections or overcome an opposition, it will obviously take longer. If the examiner has to ask you any questions, this will also make the process longer.
More information about trademarks

What happens when you file a standard trade mark application?

- We receive your application.
- We send you a receipt.
- An examiner checks your application and sends you a report.

If the examiner does not raise objections or you can overcome any objections raised, we advertise your application in the Trade Marks Journal.

If no-one opposes your application or you overcome their challenges, we register your trade mark and send you a registration certificate.

Trade Marks Journal

We advertise trade marks that we accept in the Trade Marks Journal which is published every Friday on our website at www.ipo.gov.uk.

Your application details, including your name and address, will appear on our records. We also include them in the Trade Marks Journal if we accept your application. Both are open to the public on our website, which can be permanently searched using most standard search engines. If you do not want your home address published give us a different address or a P.O. Box number.

Confidentiality

We have to make all documents connected with your application available for public inspection after we have published your application in the Trade Marks Journal. This will include any evidence and exhibits you have provided to support your application.

If you do not want a piece of information to be open to public inspection, you should give us detailed reasons in writing when you send us the document or within 14 days of sending it. We will then consider whether we can agree to your request for confidentiality.

Evidence

You may be able to overcome some of the types of objections referred to in section 1 if you can prove that:

- your mark has been used for some considerable time before the date you made your application; and
- the public has associated it with the goods or services you have applied for.

You can do this by sending us evidence of use and, if necessary, other types of evidence.

Appealing against us refusing your application

If we refuse to register your mark, you can get a written statement of our reasons for doing so by applying to us on form TM5. The current fee for this is £100. You can then appeal against this decision to the ‘Appointed Person’ (a senior lawyer appointed by the Department for Constitutional Affairs) or to the court.
More information about trademarks

Other people’s comments

Once we have advertised your application in the Trade Marks Journal, anyone who thinks we are wrong to have accepted it can write to us with their comments. For example, the person making the comments may know that the mark has a descriptive meaning in a particular trade or profession which the examiner was unaware of.

We will send you a copy of their comments and tell you whether we believe they are valid. If we believe that they bring new information to light, we will reopen our examination process. If we believe that the comments do not tell us anything that we did not know when we accepted your application, we will not act upon them.

However, if the comments relate to earlier marks, they cannot be considered under this process. Instead, your mark would have to be opposed (see page 8).

Even if we receive no comments, we may reopen our examination process if we become aware that we should not have accepted your application.

Other types of trade marks

As well as ordinary trade marks, you can register two other types of marks. These are “certification marks” and “collective marks”.

Each type of mark is designed to serve a different purpose and to have very different functions in the marketplace.

Certification marks

The purpose of a certification mark is to distinguish goods or services which are certified from those which are not. So the message the mark carries when it is applied to goods or services is that the goods or services have been examined, tested, inspected or in some way checked by an independent organisation. (The organisation providing the mark must not trade in goods or services of the kind they provide the mark for.)

Collective marks

Collective marks show that goods or services have been provided by a person or organisation which is a member of an association. They do not identify the goods or services of that organisation.

The function of a collective mark is to show who is entitled to use the mark. It can only be used by members of the relevant association. This means that no one member can own the mark. It is owned by the association for the benefit of all its members.

Certification and collective marks must first meet our acceptance requirements for ordinary trade marks (although these marks may consist of the name of the geographical origin of the goods or services).

To apply for a certification mark or collective mark, you must provide a copy of the regulations governing the use of the mark.

Certification marks and collective marks are quite complicated to register, so you may need professional help before you apply, which you can get from The Chartered Institute of Patent Attorneys (CIPA) www.cipa.org.uk or The Institute of Trade Mark Attorneys (ITMA) www.itma.org.uk.

For more information on these types of marks, please phone us on 0300 300 2000.

Renewing your trade mark

The registration of your trade mark can last forever. However, if you want this to happen you must renew it every 10 years on the anniversary of the date we received your application.

You can renew a registration up to six months before the renewal date, but we will write to remind you three months before renewal is due. The cost of renewing a trade mark is currently £200 for one class of goods or services, and £50 for each extra class. You can renew your trade mark online www.ipo.gov.uk.

What you can do with your trade mark

You can:

• Indicate that your mark is registered;
• license other people to use your mark with your permission;
• sell (in legal terms, “assign”) your mark to someone else; or
• sue others who cause confusion by using similar marks for similar goods or services.

Removing trade marks from the register

If anyone thinks your trade mark should not have been registered, they can apply to have it removed from the register (in legal terms, “invalidated”). If this happens, you must decide whether you want to defend your registration. You can surrender the registration in full, or you can limit your registration to just some of the goods and services.

You should use your mark within five years of it being registered. If you do not do so, or you stop using it for at least five years, anyone can apply to have it removed from the register (in legal terms, “revoked”). If this happens, you do not have to do anything if you haven’t used the mark and have no further use for it. If you do use the mark, you must prove that you have used it on the goods or services
More information about trademarks

It is registered for. Or, you can limit your registration to the goods or services which you can show you have used your trade mark on.

In either case, you may have to pay costs. These will be your own costs and in some cases, particularly if you defend but lose the action, the other person’s costs. Any amount that you have to pay will normally be only a part of the other person’s costs. We set the amount and list it on our website at www.ipo.gov.uk.

There is more information about invalidity and revocation (removing the trade mark from the register) on our website at www.ipo.gov.uk. Or you can ask us to send you our booklets about them.

Passing off unregistered trade marks

“Passing off” means that someone is using your unregistered mark to represent goods or services as their own.

You can take common-law action to prevent passing off, but there are several things to consider before you can prove it. As the owner of an unregistered mark, you need to be able to prove that:

- you trade in the goods or services which the mark applies to;
- the public associate your mark with the goods you produce or the services you provide;
- you have a reputation in those goods and services and so goodwill is attached to the name;
- there is a likelihood of deception; and
- you have suffered, or are likely to suffer, serious damage to your goodwill as a result of someone passing off your mark.

It can be very difficult and expensive to prove passing off, so it would be to your advantage to register your mark if you can. If your mark is registered, it is easier to take legal action against passing off as this then becomes an infringement of your rights in the mark.

Infringement of registered trade marks

Infringement is the illegal use of a registered trade mark.

Infringement takes place when:

- someone uses a sign identical or similar to your registered trade mark for identical or similar goods or services; and
- the public are likely to confuse the two marks.

Protecting your registration

If we register your trade mark, you should remember that it is your responsibility to look after it. It is important for you as the owner of the trade mark to protect your brand to make sure that no one is using it without your permission. You should also be aware of what other marks are being applied for here in the UK and at OHIM (Office for Harmonisation in the Internal Market). If you become aware of a mark that you consider to be too similar to yours, it is your decision as to whether you want to try to stop it becoming registered by opposing it.

If a later mark is applied for here at the Trade Marks Registry, and we consider there to be a possibility of confusion between the mark and your earlier mark that is already on the register, we will write to notify you of this if the applicant decides to proceed with the application. The notification will be sent to you when the application appears in our Trade Marks Journal. It is then your decision whether you want to attempt to stop the application from becoming registered by opposing it. Whether we send you a notification letter, or not, does not mean that you would win, or lose any opposition that you lodge against the later mark. If you require further information about the opposition process and fees, you can request this from us, or visit the trade marks section of our website at www.ipo.gov.uk

“You can license other people to use your mark with your permission”
More information about trademarks

The Office for Harmonisation in the Internal Market (OHIM) in Alicante, Spain, may also accept the same or similar marks for the same or similar goods or services as your registered trade mark. A European Community trade mark registration is a single trade mark registration that is valid in all countries of the European Union. OHIM would not use your application or registration as a reason to refuse an application for a community mark. If you want to prevent a European Community trade mark from becoming valid in the UK, it is your responsibility to check for marks published by OHIM and to oppose a community trade mark application that you feel may put your UK trade mark at risk.

We cannot give you advice about taking any legal action to protect your trade mark. If you suspect someone of using your trade mark, you will need to consult your local Trading Standards Office or Trading Standards Central (www.tradingstandards.gov.uk). This is an official trading standards „one-stop shop“ for protecting consumers. Or, you could ask for professional help from The Chartered Institute of Patent Attorneys (CIPA) www.cipa.org.uk or The Institute of Trade Mark Attorneys (ITMA) www.itma.org.uk
More information about trademarks

Using ‘TM’ and ® on your trade mark

Using ‘TM’ only shows that your mark is being used as a trade mark, not that it is actually registered. You do not have to identify your trade mark as being registered. You can use the ® symbol or the abbreviation ‘RTM’ (for Registered Trade Mark) to show that your trade mark is registered, but this could mean that the mark is registered somewhere other than in the UK. The ® symbol usually goes after the trade mark, in a smaller type size than the mark itself, and in a raised (superscript) position, but none of this is compulsory. It is against UK law (Section 95 of the Trade Marks Act 1994) to use the ® symbol or the abbreviation ‘RTM’ if your mark is not registered anywhere in the world.

Registering your trade mark internationally

Registering your trade mark in the UK does not protect it abroad. If you want to register your mark in countries other than or as well as the United Kingdom, you can protect it in more than one country using a single application.

You can do this through two different routes.

1 You can apply for a European Community trade mark with OHIM (the Office for Harmonisation in the Internal Market (Trade Marks and Designs)). OHIM is based in Alicante, Spain. The European Community trade mark gives protection in all European Union countries.

2 You can apply to register your trade mark in countries which have signed the Madrid Protocol through WIPO (the World Intellectual Property Organisation). WIPO is based in Geneva, Switzerland. Some of the countries which have signed the Madrid Protocol are also members of the European Union. You can also designate (that is, choose to protect your trade mark at) OHIM (covering all countries in the European Union) and designate other countries. There are several benefits in using these systems to protect your trade mark in different countries rather than making separate applications to each country. These include:

• less to pay;
• less paperwork;
• lower agent costs;
• faster results; and
• easy application.

You should be aware of the effects of the international trade mark systems even if you do not want to register your mark outside the UK. For example, you will need to oppose a European Community trade mark that clashes with your own UK trade mark if you want to stop the European Community mark being valid in the UK.

You can get information and application forms for international trade marks by phoning us on 0300 300 2000.
Contacts and publications

Intellectual Property Office

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Phone: 0300 300 2000
Minicom: 0300 0200 015
Fax: 01633 817777
E-mail: enquiries@ipo.gov.uk
Website: www.ipo.gov.uk

The British Library

The British Library
96 Euston Road
St Pancras
London
NW1 2DB

Phone: 020 7412 7677
Website: www.bl.uk

The Institute of Trade Mark Attorneys (ITMA)

The Institute of Trade Mark Attorneys (ITMA)
5th Floor
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222 - 225 Strand
London
WC2R 1BA

Phone: 02071 01 6090
Fax: 02071 01 6099
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Contacts and publications

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95 Chancery Lane
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Phone: 02074 059 450
Fax: 02074 300 471
Website: www.cipa.org.uk

Companies House

Companies House
Crown Way
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CF14 3UZ

Phone: 0303 1234 500
E-mail: enquiries@companieshouse.gov.uk
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E-03008 Alicante
Spain

Phone: (+34) 965 139 100
Fax: (+34) 965 131 344
Website: www.oami.europa.eu

World Intellectual Property Organisation (WIPO)

World Intellectual Property Organisation (WIPO)
34, chemin des Colombettes
PO Box 18
CH-1211 Geneva 20
Switzerland

Phone: (+41) 223 389 111
Fax: (+41) 227 335 428
E-mail: wipo@wipo.int
Website: www.wipo.int

Trading Standards Central

Website: www.tradingstandards.gov.uk

The Law Society

The Law Society
113 Chancery Lane
London
WC2A 1PL

Phone: 0207 242 1222
Fax: 020 7831 0344
E-mail: info.services@lawsociety.org.uk
Website: www.lawsociety.org.uk
Our complaints procedure

We are committed to providing high-quality best-value services. If things go wrong we want to know. If you want to complain about the quality of service you have received from us, please contact the person you have been dealing with or their manager. If you are still not satisfied, please write to:

Chief Executive
Intellectual Property Office
Concept House
PO Box 49
Cardiff Road
Newport
South Wales NP10 8YU.

E-mail:
box49@ipo.gov.uk

The Chief Executive will acknowledge your complaint within one working day and will send you a full reply within 10 working days. If we cannot meet this target, we will explain why and give you a new deadline.

We have produced a leaflet which explains all of our complaints procedure. You can get a copy by phoning us on 0300 300 2000