



1 What is protectable as an EU trade mark?

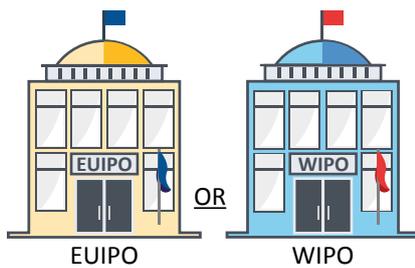
Any signs (including words, personal names, logos, letters, numbers, colours, the shape or packaging of goods or sounds), provided that they can be represented graphically, and they are capable of distinguishing the goods or services bearing the trade mark from those of others. Trade mark registration grants its owner an exclusive right to use its trade mark in relation to specific goods and services in all Member States of the EU. The trade mark to be applied for should not be identical or similar to any earlier trade marks for the same or related goods or services (classes).



How do I check availability?

Searches for earlier trade marks can be performed using the [EUIPO's eSearch plus database](#) and [TMView](#). For further information on trade mark search, you can refer to the [European IPR Helpdesk fact sheet on how to search for trade marks](#).

2 How to apply for an EU trade mark?



EU trade mark applications can be filed at the European Union IP Office (EUIPO) through on-line filing or mail, fax or submitting it personally. Alternatively, it is also possible to designate the EU in an international application via the Madrid System at the World Intellectual Property Organization (WIPO).

EU trade mark applications must contain the graphical representation of the sign together with a clear indication of the goods and services that the trade mark intends to cover following the [Nice Classification](#).

3 Who can file an EU trade mark application?

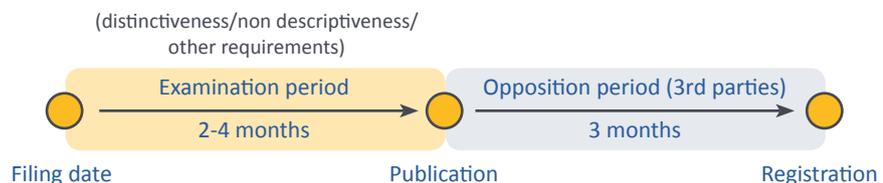
For applications filed through EUIPO, any individual or company from any country in the world can apply. For applications filed through WIPO, the applicant must either have a business in, or be domiciled in or be a national of any territory that is part of the [Madrid System](#).

4 When should I file an EU trade mark application?

The EUIPO applies the first-to-file principle, that is to say, the person who first files a valid application for a given trade mark will become its owner.

An applicant who has already filed a trade mark application has a right of priority when filing a EU trade mark application for the same trade mark in respect of the same goods and services within six months from the date of filing of the first application.

5 What happens after filing an EU trade mark application at the EUIPO?





6 What are the registration fees for an EU trade mark application at the EUIPO?

The fees depend on the type of filing and on the number of classes (goods and services) applied for. The fees below correspond to e-filing applications, which is the most affordable system. Further information about the EU trade mark fees can be found [here](#).

850 €

for the first class

50 €

for the second class

150 €

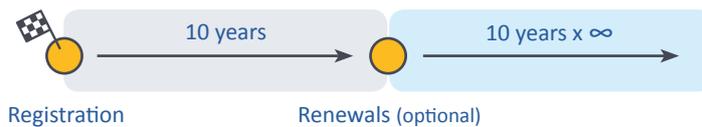
for each additional class
exceeding two



A European Union trade mark has to be put to genuine use in the European Union in connection with the goods or services for which it is registered within a period of five years following registration, against the risk of losing it.

7 How long is the term of protection?

Protection of EU trade marks lasts for 10 years from the application date and they can be renewed every 10 years indefinitely.



8 What are the advantages of the EU trade mark?

Single application for 28 EU Member States

Cheaper alternative to individual filings in 28 countries

Easy management of filing and post-application processes (e.g. recordal of change in owner's address etc.) instead of dealing with 28 different jurisdictions

9 What is the all-or-nothing principle?



Even if there is a ground for refusal only for one country (e.g. because of a similar or identical earlier trade mark), the EUIPO refuses the EU trade mark application as a whole for all 28 EU Member States. Therefore, you will either have a EU trade mark for 28 countries (if there are no refusals in any of the 28 EU Member States) or no EU trade mark at all.

However, if an EU trade mark application is refused or declared invalid or revoked, the application may be converted into national trade mark applications in the remaining EU Member States, in which the ground for refusal does not apply. The ensuing national trade mark applications will retain the filing date of the EU trade mark application.

Disclaimer

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