



UK TRADE MARK FACT SHEET

When I've chosen my mark what should I do first?

We will always recommend that you have a search conducted before you incur any costs in relation to adoption of a new trade mark. A search should identify any marks which could present you with problems with either use or registration of your chosen mark in the UK.

Why choose a UK Trade Mark Application?

Trade mark rights are territorial. To protect your mark in the UK, you can either obtain a UK national trade mark registration, a Community registration, or an International registration, which designates the UK.

If your company only sells its goods, or provides its services in the UK then we would recommend that you protect your mark by a UK registration.

What happens once an application has been filed to protect my trade mark?

The mark the subject of the new application must be in use, or you must have a genuine intention to use it. Any application filed for a mark on a speculative, or opportunistic basis will be vulnerable to an application for invalidity.

The application is filed with the UK Intellectual Property Office. The mark is examined to determine whether it is registrable (i.e. whether it is distinctive, descriptive, deceptive, etc.). At this stage a search is also conducted of the UK, Community and International Registers to determine whether there are any earlier conflicting applications or registrations. If an earlier mark is revealed by the search, the examiner will notify us accordingly. If we are unable to persuade the examiner that the respective marks do not in fact conflict with each other, then the proprietor of that earlier mark will be notified of the existence of your application, when the application is due to be published. The proprietor of the earlier mark then has an opportunity to file an opposition against its acceptance. The examiner cannot refuse to register the application because of the existence of an earlier conflicting mark.



Once any objections have been dealt with details of the application are published in the Trade Marks Journal, which is a weekly publication. There follows a two month opposition period, which is extendable by a further one month, during which time any third party can oppose registration of the application. Providing no opposition is filed, the application will proceed to registration.

Once my trade mark is registered what then?

A UK trade mark registration remains in force for a period of 10 years, and is renewable for like periods subject to payment of renewal fees.

It is essential to use the mark the subject of a registration in order to maintain its validity. Any continuous period of 5 years' non-use will leave the registration vulnerable to cancellation by third Parties.

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