

# European Union Trademark (EUTM)

## *Protection throughout the EU*

Registration of a trademark of the European Union provides a unified and uniform protection at the same time in all 28 countries of the European Union.

## *Electronic Application*

Registration requires an application submitted in electronic form to the EUIPO (European Union Intellectual Property Office, Alicante, Spain)

## *The main requirements for the trademark of the European Union*

1. a) The mark must have distinctiveness - the ability to distinguish a given trademark from others
2. b) The mark should not be descriptive - it is impossible to register a mark that will simply describe the goods or services that are planned to be offered (for example, you cannot register a "wine" mark in class 33)

## *What trademarks can I register?*

You can register with EUIPO

- a word mark
- a graphic sign and a graphic sign with verbal elements
- a three-dimensional sign (packaging) and three-dimensional sign with verbal elements
- a location mark (indicates the location of the mark on a particular product)
- a single color sign or color combination
- a sound sign
- a moving trademark
- a multimedia sign
- a holographic sign

## *Representative*

In order to directly register a trademark of the European Union, companies and citizens of countries outside the European Union must appoint a representative - European Trademark Attorney

## *Exclusive right*

A registered trademark gives its owner the exclusive right to use it, including transferring the right to use it on the basis of a license agreement, the ability to quickly and efficiently oppose the use of an identical or similar trademark by competitors.

## *Validity*

The registered trademark is valid for 10 years, after which the registration can be renewed.

## *The need to use a trademark*

Please note that if the mark is not used in the first five years after registration, it can be cancelled on the basis of a statement from the person concerned. It is not uncommon for the owner of a mark to file a lawsuit against the unlawful use of a trademark and receive a counterclaim in response to annulment of his mark on the basis of non-use. Very often, bona fide trademark owners lose court cases because they cannot provide evidence of use. In the case of EUTM, it is enough to prove use in any EU country.

## *Availability Search*

Given the huge number of trademarks already registered, there is a high probability that the selected designation will be already taken. It is recommended therefore to conduct database search. Availability search significantly increases the chances of a successful registration.

## *Costs (registration)*

The official fee for registering EUTM in one class of goods and services is 850 euros. An additional fee of EUR 50 applies for the second class and EUR 150 for the third and each next class.

#### Costs (renewal)

The official fee for the extension of EUTM in one class of goods and services is 850 euros. An additional charge of € 50 applies for the second class and € 150 for the third and each next class.



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