



INTELLECTUAL
PROPERTY OFFICE

How to Apply for a Community Trade Mark



Applying for a Community Trade Mark

**Guidance for people
applying from the UK**

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The Community Trade Mark

A Community Trade Mark (CTM) is a registration for a single trade mark. It is valid in all countries of the European Union (EU).

You can send your application for a Community Trade Mark either to:

- the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) in Alicante, Spain; or
- us (Intellectual Property Office), but you will have to pay us a handling fee if you apply to us.

This booklet tells you how to apply and also includes other information about OHIM.

Who can apply for a Community Trade Mark?

The following people can apply for a Community Trade Mark.

- Nationals of EU member countries.
- Nationals of countries which have signed the Paris Convention for the Protection of Industrial Property (the Paris Convention).
- People who live in countries which have signed the Paris Convention.
- Businesses in countries which have signed the Paris Convention.
- Nationals of countries which have not signed the Paris Convention, but which give the same level of trade mark protection as the countries which have signed it.

If you are not sure whether you are in one of the above categories, we or OHIM can tell you.

How do I apply?

You can fill in an electronic application form on the OHIM website at www.oami.europa.eu and return it electronically, or print the form and then fill it in.

You can create your own form on a computer but you must make sure that the form is in the same format and gives the same information as the official form.

Or you can fill in a printed form which you can get from us or from OHIM.

Which language should I use to fill in my application form?

You can fill in the form in any of the main languages of the EU.

You must also choose a second language from Spanish, German, English, French or Italian (the five working languages of OHIM). OHIM will use the second language if anyone opposes your application or if you cancel your application. They may also use the second language when writing to you, if the language you used to fill in the form is not one of their five working languages.

If you apply in a language which is not one of OHIM's five working languages, we strongly recommend that you include a translation of your goods and services in the second language with your application form. This will help OHIM to process your application more quickly.

Where should I send my application?

1 You can send your application straight to OHIM in one of the following ways.

- Post it to:
Office for Harmonization in the Internal Market
(Trade Marks and Designs)
Apartado de correos, 77
E-03080 Alicante, Spain.
- Have it delivered to:
Office for Harmonization in the Internal Market
(Trade Marks and Designs)
Avenida de Europa, 4
E-03008 Alicante, Spain.
- Hand it in at the OHIM reception during their opening hours (8.30am to 1.30pm, and 3pm to 5pm), or put it in their 24-hour letter box.
- Fax it to: +34 965 131 344.
- Apply electronically using OHIM Guidelines.

If you apply by fax, you do not have to send the original to OHIM as confirmation. OHIM will accept the signature on your fax as if it were an original.

You can take or send your application to us at one of the following addresses.

Intellectual Property Office
Concept House
Cardiff Road
Newport
NP10 8DP

Intellectual Property Office
Harmsworth House
13-15 Bouverie
London
EC4Y 8DP

Mark your envelope 'For the attention of the OHIM Application Unit'.

Or you can fax it to 01633 814444. If you fax your application to us, **do not send the original to us as confirmation unless we ask for it.**

You should send **only**:

- your application form;
- the handling fee sheet (Form FS3); and
- the handling fee of £15.

You can pay the £15 handling fee:

- by cheque made payable to 'Intellectual Property Office';
- by credit or debit card if you fill in the details on the fee sheet;
- straight from your UK Patent Office deposit account; or
- by bank transfer straight to our account at Barclays Bank (sort code 20-18-15, account number 80531766).

We will:

- send your application by courier to Alicante; and
- send you a receipt confirming:
 - when we received your application;
 - your reference;
 - how many pages of attachments we received;
 - how many pages we sent to OHIM; and
 - that we have received your handling fee.

OHIM will examine your application and will contact you or your representative if there are any problems with it.

What about follow-up documents?

You must send all other documents straight to OHIM. Please write your original reference number on all other documents you send. **We cannot accept any other documents for OHIM.**

What is the filing date of my application?

The filing date is the date when we or OHIM receive your application, as long as your application contains all of the following.

- A request for registration of a Community Trade Mark. That is, you have applied for a Community Trade Mark and not any other industrial property right.
- Your name and address.
- A list of the goods and services you want the mark to be registered for.
- A copy of your mark.

What happens if I do not send all of the above with my application?

OHIM will ask you to send the missing documents or information within two months.

If you do this, they will give your application the filing date when they received the last document or piece of missing information.

If you do not do this, they will treat your application as if it had never been made.

What does it cost to apply for a Community Trade Mark?

The fee is in two parts.

- The **application fee** is:
 - 900 euros for an application with up to three classes of goods or services; and
 - another 150 euros for each extra class.
 - 750 and 150 euros if filed electronically.

You must pay the application fee within one month of sending the application to us or to OHIM.

- The **registration fee** is:
 - 850 euros for up to three classes; and
 - another 150 euros for each extra class.

You must pay the registration fee after the end of the opposition period.

You must pay all these fees in euros. **You cannot pay in any other currency.**

You must send all fees, apart from the UK handling fee, straight to OHIM.

How do I pay?

You can pay OHIM:

- straight from an OHIM current account; or
- by bank transfer to either of the following accounts.

Banco Bilbao Vizcaya Argentaria
0182-5596-90-0092222222
Swift code: BBVAESMM XXX
IBAN: ES88 0182 5596 9000 9222 2222

La Caixa
2100-2353-01-0700000888
Swift code: CAIXESBB XXX
IBAN: ES03 2100 2353 0107 0000 0888

Do I have to pay when I apply?

No, but if you do not pay the fee within one month of filing your application, you will lose your filing date. Instead, the filing date will be the date on which OHIM actually received the fee. If you do not pay your fee within three months of the filing date, OHIM will treat your application as if you had never made it.

Employing someone to deal with your application

The laws, rules and time limits that apply to trade marks can often be complicated. If you have no experience in trade mark legal matters, you may find it useful to employ someone such as a trade mark attorney or patent agent. Their professional experience and advice may help you to overcome some of the difficulties.

You do not have to appoint anyone but if you do, please remember that only lawyers who qualified in one of the countries of the EU, and professional representatives whose names are on the list kept by OHIM, can act as your representative with OHIM.

Only people who are qualified to deal with the various national industrial property offices (such as the Intellectual Property Office) in the EU can be put on the list of professional representatives.

Do I need a representative?

It is advisable to use the services of a specialised professional representative.

The experience and advice of a professional representative help companies whose employees have no experience in trade mark matters to avoid the difficulties which may arise from insufficient knowledge of trade mark law, procedural rules and time limits.

The persons able professionally to represent you before the OHIM are:

a) Legal practitioners with a current Law Society Certificate to practice in the UK; or

b) Professional Intellectual Property representatives ('Agents' or 'Attorneys') who are also entered on the list kept by the OHIM and who consequently will have an OHIM reference number.

(Entry onto this list normally is restricted to persons professionally qualified and/or experienced to act as representatives before national intellectual property offices within the EU. Legal practitioners are not eligible to seek a listing at the OHIM, but they may represent you).

Authorisation Form

When you are filing a Community trade mark application on behalf of another, either as a professional representative, legal practitioner, or as an employee of the company making the application, the person you are acting for will need to complete an official OHIM Authorisation Form on which s/he will authorise you to act. You can be authorised to deal with a single specified application or else can be authorised to act before the OHIM on any trade mark matter belonging to your authoriser.

The OHIM will designate an identity number to each Form of Authorisation. This number needs to be used on every piece of correspondence that it is able to endorse as authorised between your representative and the OHIM.

A copy of the OHIM's Authorisation Form is available online at www.oami.eu.int or from the Intellectual Property Office (Tel: 08459 500505).

If you are not using a professional representative, nor is a representative such as an employee acting on your behalf, you have no need to fill out an Authorisation Form for the OHIM.

You must authorise a representative to act for you before the OHIM when you are resident or in business only outside the EU. S/he must have a regular place of business within the EU.

A comprehensive list of professional trade mark representatives registered to practice before the OHIM is available to view at www.oami.europa.eu

Contact points

Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)

Avenida de Europa, 4
Apartado de correos, 77
E-03080 ALICANTE, Spain

Website: www.oami.europa.eu

General enquiries

Phone: +34 965 138 800
Fax: +34 965 139 173
E-mail: information@oami.europa.eu

Information about Community Trade Marks (applications, letters to examiners, details of anyone opposing the trade mark, appeals, inscription in the register, and so on)

Fax: +34 965 131 344

Information about current accounts

Phone: +34 96 513 9100
Fax: +34 96 513 9173

Intellectual Property Office

Trade Marks International Unit
Concept House
Cardiff Road
Newport
NP10 8QQ

Website: www.ipo.gov.uk

Central enquiries (for general information, information booklets, and so on)

Phone: 08459 500505
Fax: 01633 813600
E-mail: enquiries@ipo.gov.uk

Information about Community Trade Marks

Phone: 01633 811144 or 811128
Fax: 01633 811055

Information about professional representatives

Phone: 01633 814805
E-mail: gareth.woodman@ipo.gov.uk

Publications including the Community Trade Marks Bulletin and the Official Journal

TSO
PO Box 29
Norwich, NR3 1GN

Phone: 0870 600 5522
Fax: 0870 600 5533

Concept House
Cardiff Road
Newport
NP10 8QQ

Tel: 08459 500 505
Minicom: 08459 222 250
Fax: 01633 817 777

www.ipo.gov.uk

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