

hallmark ip

Newsletter October 2007

Important Change to UK Trade Mark Registration Practice

With effect from 1st October 2007 the UK IP Office changed its practice in relation to its examination of trade mark applications. It will continue to conduct a search of earlier rights but will no longer refuse a trade mark application on the basis of an earlier conflicting mark on the UK or CTM Registers. It will notify the applicant of any potentially conflicting earlier rights disclosed by the search process but will not raise these as official objections. The applicant can then decide whether to withdraw, amend or continue with the application.

If the applicant decides to continue with the application, the UK IPO will contact the owners of the earlier conflicting UK rights that were revealed to inform them of the publication of the application. It will then be up to the owners of the earlier rights to decide if they wish to oppose.

Only the owners of UK trade marks will automatically be notified, owners of Community Trade Marks will only be notified if they have "opted in". This can be done by filing a form at the UK IPO for which they will charge you a fee £50 per mark.

It is not guaranteed the UK IPO search will disclose all potentially conflicting marks nor that the UK IPO will consider a particular mark to be conflicting. This could result in confusingly similar marks being allowed through to registration without being subject to an appropriate opposition.

Recommendation

Rather than pay £50 to the UK IPO to "opt in", we believe the more cost effective and reliable alternative to this option is to take advantage of our Watching Service. For £50 per annum we will watch your mark in a single class for any potential conflicting marks being applied for in the UK and advise you accordingly. We can extend this watch to all European Union countries for an additional £20 or worldwide for an additional £35. Prices for extra classes are on application.

Please contact your attorney or e-mail us at <mailto:info@hallmark-ip.com>