

NATIONAL SEARCH REPORTS FOR COMMUNITY TRADE MARKS

Since the introduction of the Community Trade Mark (CTM) system in 1996, search reports have been generated automatically as part of the examination procedure. These reports are on the CTM Register itself and those national Registries that have elected to produce a search report (currently 17 countries).

For applications filed on or after **10 March 2008** the Applicant must make a request to receive the national search reports as they will no longer be automatically produced as part of the examination procedure. The request and payment of the required fee must be made at the time of filing the application. At present the fee is set at €12 per country; €204 in total.

For Madrid Protocol applications that designate the CTM system, a separate request must be made to the CTM Office which clearly makes a request that the national searches be carried out.

If the Applicant should elect not to receive national search reports, then the CTM Register search report will be issued as soon as possible once the basic application fee has been validated and provided that the application has not been withdrawn or rejected.

The search reports are issued for information only, and any conflicting registrations or applications that are located in the reports will not be raised as official objections by the CTM Office to the registration of the application in question. It remains the responsibility of the proprietor of those earlier rights to take action if they believe that there is a conflict. Likewise, it is the responsibility of the trademark applicant to ensure that the mark is free for use and registration. The search reports can be a useful source of such information.

OUR APPROACH

Potter Clarkson will automatically request the generation of all of the national search reports at the time of filing a CTM application, unless we receive instructions to the contrary. We will continue to review and notify our clients of the reports as part of our on-going service.

Please contact Sanjay Kapur, John Peacock, Jackie Tolson or David Thompson for more information.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Potter Clarkson LLP. All comments contained here are of a general nature and full professional advice should be sought on any specific problem. Please note that all our Newsletters can be found on our website at www.potterclarkson.com.

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