

**THE COMMUNITY TRADE MARK SYSTEM
- SENIORITY CLAIMS**

We have previously advised you that the Community Trade Mark Office (CTMO) has suspended the examination of seniority claims. The current situation is as follows.

1. The CTMO is issuing registration certificates which have seniority rights listed on them. However, these have not been examined by the CTMO and the seniority rights listed will be based upon the rights claimed by the applicant when the application was filed.
2. Many of the seniority rights listed on the registration certificates are incorrect and we are having to return them to the CTMO for correction.
3. The CTMO has indicated that at some undefined point in the future they will go back to the registered trademarks where seniority claims have been made and examine those seniority rights rigorously by calling upon the proprietor to prove, by way of copy documents, that they are entitled to those seniority rights.
4. Proprietors should be aware that seniority claims can validly be claimed only when the seniority right, on which the claim is being made, is in force at the time that the seniority claim is being made.

Recommendation

Our recommendation is that proprietors should not allow existing European Community National rights, from which seniorities have been claimed, to lapse until such time as the CTMO has examined fully the seniority claims that have been made and has accepted all such claims. Otherwise, there is a serious risk that those seniority claims would subsequently be refused.

We will of course advise you as soon as the CTMO starts to examine seniority claims.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Eric Potter Clarkson. 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.eric-potter.com.