

**EUROPEAN COMMUNITY TRADEMARK (CTM)**

The European Union “EU” is set to be enlarged, through the admission of the following new member states:

Cyprus	Czech Republic	Estonia	Hungary
Latvia	Lithuania	Malta	Poland
Slovakia	Slovenia		

The date set for accession of these countries to the EU is 1 May 2004. As from this date all existing CTM applications and registrations will automatically extend to these countries.

CTM applications filed in the six months prior to this accession date (i.e. between 1 November 2003 and 1 May 2004) may be opposed on the basis of earlier rights (including earlier trademarks) that exist in new member states, provided (i) that the earlier right was acquired in good faith and (ii) the filing (or, if applicable, priority) date of the earlier right precedes the filing (or, if applicable, priority) date of the CTM application.

***Recommendation***

We recommend that trademark proprietors for whom the prospective new member states are of current or potential importance, and who do not already have CTM registrations, should consider filing for CTM registration of their trademark(s) well before the enlargement of the EU, so as to minimise the risk of problems arising.

We recommend that consideration should be given to filing any CTM applications that may be required **prior to 1 November 2003**, given that earlier rights in new member states may be used as the basis for opposing CTM applications filed after this date.

If you have any questions, would like more information, or would like some in-depth analysis, please contact Ian Buchan, David Minto, Sanjay Kapur or John Peacock, at our Nottingham office.

The information in this Newsletter was correct at the date of release. More up to date information 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](http://www.eric-potter.com).

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N:089/cld/sk/jp/lc

22 October 2003

Park View House · 58 The Ropewalk · Nottingham · NG1 5DD · UK  
Tel: +44 (0)115 955 2211 Fax: +44 (0)115 955 2201  
E-mail: [epc@eric-potter.com](mailto:epc@eric-potter.com) Website: [www.eric-potter.com](http://www.eric-potter.com)