

## Applying for Community Marks for All UE Member States

April 2011

Registration of a Community mark is performed by the Office for Harmonizing the Internal Market (OHIM) in Alicante, Spain. It is possible to claim the priority of a national mark application up to six months after its filing date.

Expenses<sup>1</sup> to be paid with the application **for not more than three classes of goods or services** are as follows:

Application charges (OHIM)	1.050 €
Attorney's fees <sup>1</sup>	1.500 €
	<b>2.550 €</b>
costs for a fourth and further classes, per class <sup>1</sup>	300 €
Optional: Office charge for additional national Search Reports	132 €
<b>On receipt of the Search Report(s):</b>	
drafting an opinion letter, if appropriate <sup>1</sup>	approx. 100 - 250 €

The OHIM will check whether there are **absolute grounds for rejection** (lack of distinctiveness, descriptive character) and will also examine the list of goods and/or services for adequate clarity of definition. If any faults are found, it will be necessary to file an appropriate response (costs according to time spent).

The OHIM will also issue a **Search Report** on protective rights within the register of the OHIM that were valid prior to the claimed priority date and. For an extra charge, additional national Search Reports can be provided. These, however, will be *incomplete*, since not all national offices offer such a search. We will forward you the Search Report(s) and make comments where necessary (costs according to time spent, normally from 100 € to 250 €).

If no absolute grounds for rejection of the mark application exist, the OHIM will inform the owners of prior Community marks or prior Community mark applications. The mark application is then published. During a period of three months following publication any proprietor of a prior right can raise an objection to the mark application if a likelihood of confusion is suspected. In the resulting **opposition proceedings** the mark application may be rejected in full or in part (*ie* for certain classes of goods or services). **The loser of the case will be required to pay costs as officially imposed** (300 € for the opposing attorney's fees plus 350 € opposition costs, if applicable), in addition to the fee payable to loser's own attorney. The winner of the case will be required only to pay the costs demanded by winner's own attorney, which can exceed the fees payable by the opponent, since the 300 € attorney's costs do not cover the fee for the attorney's services.

If no appeal is raised or the appeal proceedings terminate positively for the applicant, the mark is registered.

For the **continuation of power of attorney** for the period lasting from registration up to the first extension after 10 years we charge 500 €. This fee covers updating the files, deadline monitoring, forwarding incoming correspondence, and providing information on the case.

**Payment of the renewal fee following expiry of the first ten year period** can provide protection for a further ten years. Our fee covers the timely transfer of office charges to the HABM and the continuation of power of attorney up to the next renewal period, including deadline monitoring, and is valid for **up to 3 classes of goods and services** as follows:

Office renewal charges (e-renewal)	1.350 €
Attorney's fees <sup>1</sup>	1.400 €
	<b>2.750 €</b>
costs for a fourth and further classes, per class	500 €

<sup>1</sup> attorney's fees are net costs