

## **Important Information and Recommendations for Trade and Service Mark Applications**

Because of the risk of conflict with existing Trade and Service Marks, we recommend that a mark should not be used without first checking the Trademark Records of the German Patent and Trademark Office as well as the situation in the marketplace. To check the Trademark Records, we can carry out a search in order to locate older and confusingly similar marks which are on file for identical or similar goods and services. In addition, we recommend that you check the marketplace for confusingly similar pre-existing marks, get-ups and company trading styles.

The Trade or Service Mark to be registered on the basis of this application will only be protected within the Federal Republic of Germany. If you are interested in protecting the mark abroad, please contact us for further information.

We should particularly like to emphasize the importance of conducting a Trade and Service Mark watch for the mark. The German Patent and Trademark Office does not give the owner of an application or registration any notification when a potentially confusing or even completely identical Trade or Service Mark is applied for by a third party for the same or similar goods or services.

The owner of the older mark is thus obliged to watch new applications continuously and to lodge an opposition when he finds a confusing new application. Watching is, therefore, necessary in order to protect an older mark against the weakening effect of a younger registration. To carry out watching, we recommend monitoring of the Trade Mark Gazette. If you are interested in this, we should be pleased to send you further details.