

Important Information and Recommendations in Connection with the Registration of Trade and Service Marks

In accordance with the German Trademark Act, the validity of a trade/service mark depends on the actual use of the mark for the registered goods or services respectively. This use has to start within a period of five years from the registration date of the mark. If the mark has not been used within five years of its registration date, it can be cancelled on the request of a third party and cannot be successful in opposition proceedings. Please use the registered mark in combination with the ®.

The mark which has now been registered is only valid in the Federal Republic of Germany. If you are interested in protection in foreign countries, separate applications must be filed in these countries.

Finally, we should like to repeat our suggestion of carrying out a trade/service mark collision watch for the registered mark in cases where this is not yet already being done. The German Patent Office does not give the owner of a trade/service mark any notification of potentially confusing or even identical trade/service marks applied for by third parties for the same or similar goods or services.

Rather, the owner of a mark is obliged to monitor the official Trade Mark Gazette for conflicting younger applications and to lodge an opposition if necessary. This legal measure is important to protect marks against the weakening effect of younger registrations. The recommended trade/service mark collision watch provides for the continuous monitoring of the national and international Trade Mark Gazettes.

If you would like to have further information on any of the above topics, please do not hesitate to contact us