

What are user documents?

With the right usage documents, you can prove the use of your trademark.

When must the use of your trademark be proven?

- ▶ In Germany, you must prove use if, among other things, a third party requests it:
- ▶ E.g. if you file an opposition based on your trademark against a younger trademark
- ▶ E.g. if you file an infringement suit
- ▶ E.g. if a third party files a cancellation application against your trademark

Brand and period

- ▶ Which of your trademarks are you talking about?
- ▶ When did the grace period for use expire?
- ▶ For what period do you have to prove use?
- ▶ In which country do you have to prove use?

Relevant period of use

- ▶ As a rule, proof of use must be provided for a period of five years.
- ▶ The exact period varies depending on the procedure.

Proof of use

- ▶ Possible evidence (invoices, delivery notes, sales figures, advertising materials, packaging, labels, press reports, trade fair participation, customer correspondence, affidavits, license agreements)

Documentation requirements

- ▶ Requirements (dating and geographical reference, conformity with the registered trademark, relevance to the registered goods/services, information on turnover/unit numbers)

Documentation and preparation of documents

- ▶ Structured compilation (ordered by year, product)
- ▶ Black out sensitive data
- ▶ Ensure confidentiality
- ▶ Include translations if necessary

For further information, please see our fact sheet "Using a trademark".

To the point

If third parties request proof of use of your trademark (e.g. in the case of oppositions or cancellation requests), collect relevant documents such as invoices, sales figures or advertising materials for the requested period and the relevant country.

Our experienced team of lawyers will help you ensure that the evidence meets all requirements.

Note:

Please be aware that the above information serves as general guidance and does not replace legal advice. Specific requirements may vary depending on the individual case. Professional legal assistance is recommended.



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