

Trademark registered – what happens next?

Examination procedure by the relevant trademark office (DPMA, EUIPO, WIPO, USPTO etc.)

- ▶ Check for completeness, form of application and payment of fees
- ▶ Check for registrability
- ▶ If necessary, objection by the office and correction of deficiencies by the applicant
- ▶ Possibly rejection of the trademark due to lack of distinctiveness and need to keep it available (in this case, possibility of appeal)

Registration and publication

- ▶ Registration of the application
- ▶ Delivery of registration certificate
- ▶ Publication of the registration for objection purposes

Contradiction

- ▶ Third parties can file an objection to your trademark registration within the 3-month objection period
- ▶ If necessary, an objection procedure will be carried out
- ▶ After the objection period/opposition procedure has expired, the grace period for use begins (5 years)

Monitoring and management

- ▶ Actively monitoring the market for possible infringements
- ▶ If necessary, enforcing your trademark against infringements
- ▶ Documenting the use of your trademark
- ▶ If necessary, licensing to third parties
- ▶ If necessary, updating data if the name and address of the owner change
- ▶ Comparing the scope of protection of the trademark with actual use

Term of protection and extension

- ▶ Duration of protection: Ten years from the date of filing
- ▶ Extension: six months before the expiry of protection for a further ten years for a fee
- ▶ The duration of protection can be extended as often as desired

To the point

From registering a trademark to its registration, there are many steps and deadlines to consider. Our experienced team of lawyers can explain everything to you in a clear manner and support you at every stage. We also check the distinctiveness and registrability of your desired trademark in advance in order to avoid unpleasant decisions by the authorities.

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.



Karin Simon
Susanne Graeser

Lawyers

Certified IP Lawyer

Uhlandstr. 2
80336 Munich
Germany

Phone +49 89 90 42 27 51-0

Fax +49 89 90 42 27 51-9

Contact us