

COMMUNITY
TRADE MARK
& REGISTERED
COMMUNITY DESIGN

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COMMUNITY TRADE MARK

What is a Community Trade Mark (CTM)?

CTM is a trade mark that has been registered at the OHIM (the Office for Harmonization in the Internal Market). It covers all (27) member states of the European Union: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. The CTM will automatically become valid in the new EU member countries.

What can be protected?

Any signs that can be represented graphically, such as:

- words, letters, and numbers
- figurative elements, pictures, and shapes
- colours or colour combination
- music, jingles, and sounds
- signs with movements.

What cannot be protected?

- Non-distinctive signs.
- Signs that only contain a name or description of the product.
- Signs contrary to public policy and/or morality.

Who can file?

Any national or legal person can file a CTM without any restrictions as to nationality or state of incorporation. The applicants whose office or residence is not within the EU must have a professional representative approved by the OHIM.

In which language?

The application can be filed in any official language of the EU. A second language has to be chosen from the five official languages of OHIM (English, French, Spanish, German or Italian).

How to describe and classify goods and services?

The OHIM follows the International Classification of Goods and Services (the 9th edition). The proper class and description of goods and services can be found in the classification database. Please see the website <http://oami.europa.eu/euroace/euroaceservlet>

What does seniority mean?

An applicant can claim seniority of the existing registration in any EU country when filing the CTM. Seniority enables the applicants to preserve their prior rights even if the national trade mark will not be later renewed.

CTM 000031336



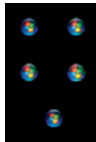
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CTM 000550723



CTM 5910831



CTM 004804522



CTM 005445085



CTM 000146704



CTM 000031203



The registration procedure

The OHIM conducts an examination on absolute grounds only (formalities, classification, and distinctiveness). After the examination, the application is published for oppositions. If no opposition is filed, the application will be registered.

How long does it take?

The average registration time is 8 months.

The opposition procedure

Oppositions can be filed within 3 months from the publication date. A 2-month “cooling off” period is given so that the parties may reach an agreement. If no agreement is reached, the opposition proceedings start.

What happens if the CTM is rejected?

The applicant may request a conversion of the CTM into national applications in the EU countries by using its filing date. There is a general time limit of 3 months for requesting the conversion. This time limit cannot be extended.

How to use the CTM?

The CTM becomes vulnerable for cancellation due to non use after 5 years from the registration date. Genuine use of the CTM in one member country is sufficient to avoid cancellation.

How long is the CTM valid?

A CTM is valid for 10 years from the filing date. It can be renewed for an indefinite number of further 10-year periods.

Advantages of the CTM

- One application covers all 27 EU countries.
- One registration and renewal.
- One set of fees.
- One language.
- Very cost effective.

REGISTERED COMMUNITY DESIGN

What is a Registered Community Design (RCD)?

RCD is a design which has been registered at the OHIM (the Office for Harmonization in the Internal Market). RCD covers all (27) member states of the European Union.

What can be protected?

The outward appearance of the product or its part can be protected. Protectable are both decorative and useful products, their parts and detail features, all kinds of graphical issues, logos, user interfaces, fonts, etc. that are new (12 months grace period available from the disclosure) and have individual character.

What cannot be protected?

- Designs that are not industrial or handicraft items.
- Designs that are exclusively dictated by their technical function.
- Designs contrary to public policy and/or morality.

Who can file?

Any national or legal person can file RCD without any restrictions as to nationality or state of incorporation. Those applicants who do not have their office or residence within the EU must have a professional representative approved by OHIM.

In which language?

The application can be filed in any official languages of the EU. A second language has to be chosen from the five official languages of the OHIM (English, French, Spanish, German or Italian).

The registration procedure

Only formalities are checked, no substantive examination.

How long does it take?

The registration can be obtained in a few weeks' time.

The opposition procedure

No opposition procedure exists.

How long is the RCD valid?

The RCD is valid for 5 years from the filing date and can be renewed in terms of five years up to a maximum of 25 years.

Advantages of the RCD

- One application covers all EU countries.
- Enforceable right in all 27 EU countries.
- Quickly obtainable and cost-effective.
- One application can include several designs.
- Protection not limited to classes.
- Easy to manage and administer (e.g. renewals and transfers).
- Strong weapon against illegal copying and design thefts.

RCD 000612882-0002



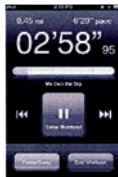
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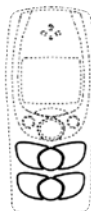
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RCD 001098990-0003



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www.papula-nevinpat.com
P.O. Box 981, 00101 Helsinki, Finland
Tel. +358 9 348 0060