

PATENDAT Newsletter - 1st Edition

New Service for Clients and Colleagues

Fast and early availability of information is an important factor of success in modern business. Particularly the elaboration of strategies in the field of patents and trade marks is based on informations about the legal development in said field and in the related countries.

This newsletter shall thus inform you from time to time about developments in German and European patent and trade mark laws and about important decisions of the German and European Patent Offices as well as of the German Courts related to industrial property rights.

New EU-Community Trade Mark

European Union's Trade Mark System will start on April 1st, 1996

After about 1½ year of preparation work the European Trade Mark Office in Alicante/Spain whose official Name is "Office for Harmonisation in the Internal Market" (OHIM) will start accepting Community Trade Mark applications on April 1st, 1996.

The Community Trade Mark will provide protection in all countries of the European Union by filing a single application and by a central registration at OHIM.

The proceedings before the European Trade Mark Office do thus not only cover the application proceedings until registration of the trade mark but cover also the life of a trade mark after its registration. There is thus no separate national phase following upon the registration, as it is for example the case with patents granted by the European Patent Office.

A Community Trade Mark has to be filed at least in one of the five official languages (English, French, German, Italian and Spanish) and an applicant who is not resident in the European Union must be represented by a professional representative who is permitted to act before OHIM.

Convention Priority may be claimed within 6 months from the application date of the priority application. A search will be carried out (for information only) by OHIM and by several national Trade Mark Offices in the European Union (at present not in France, Germany and Italy) and a search report will be sent to the applicant. Subsequently the application will be published and oppositions against said application may be filed within 3 months after the publication date.

The duration of a registered Community Trade Mark is 10 years beginning with the application date. After this first ten year period a

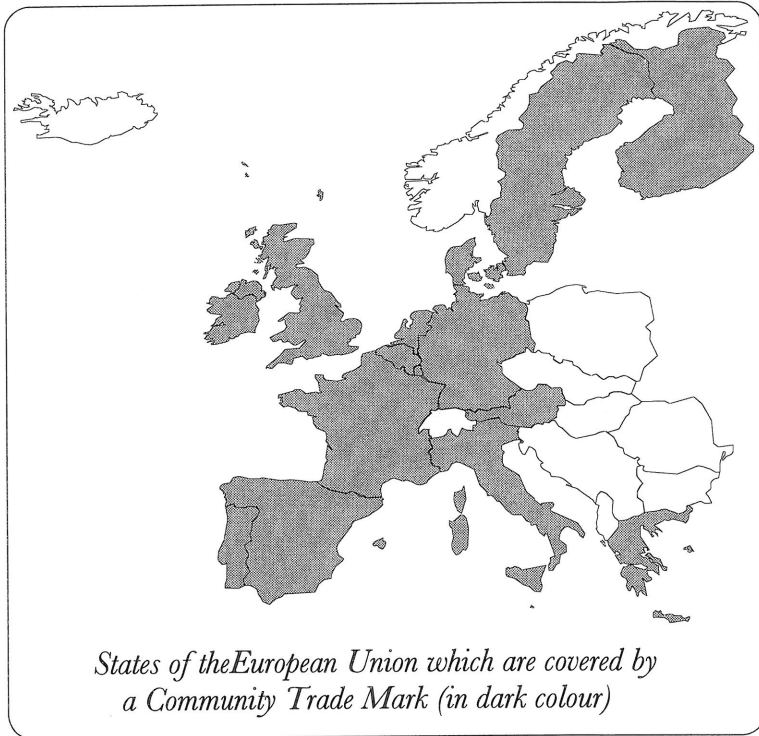
TOPICALITIES :

COMMUNITY TRADEMARK
FIT FOR LAUNCH

MADRID UNION WILL EXPAND
VIA A NEW PROTOCOL

renewal of the mark is possible every 10 years for additional ten year periods.

A Community Trade Mark covers the whole territory of the European Community (please see chart below) which comprises the fol-



lowing states: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom.

The Community Trade Mark would thus be of interest to clients who are selling goods or offering services under the same mark in several member states of the European Union.

To clients who have already national trade marks in one of the member states of the European Union it is recommended to watch new registrations of the European Trade Mark Office in order to prevent the value of any existing national mark

from being diminished by a newly registered Community Trade Mark.

Although the Office for Harmonisation in the Internal Market will start accepting Community Trade Mark applications on April 1st, 1996 applications can already be filed as of January 1st, 1996 but these applications will all obtain the same filing date, which is April 1st, 1996.

New Madrid Agreement Protocol

More states will join the Madrid Agreement via the new protocol

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A Protocol relating to the "Madrid Agreement Concerning the International Registration of Marks" is expected to come into force in the first half-year of 1996. The regulations of this Protocol are different from those of the Madrid Agreement. That has made it possible for several states to join the system for international registration of marks.

Besides OHIM (the new European Community Trade Mark Office) other European States which until now have not been member states of the Madrid Agreement can be elected for a "Protocol Mark" in the near future. This may establish the International Registration of a mark (IR mark) as an alternative to the new European Community Trade Mark particularly if protection is sought also in eastern European countries. A subsequent *Newsletter* will report on this topic in detail.

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