

Briefing Note: EUTM Legal Update

Trademark law has been modernised to provide a greater degree of harmonisation in practice and procedures across the European Union. Some changes will be implemented immediately and other phased in over the next months and years. Whilst the substantive aspects of the law remain essentially unchanged, any business that currently has, or anticipates applying for, EU trade mark protection may find the following brief highlights helpful.

1. Terminology

As of 23 March 2016, the Community Trademark (CTM) was re-named to **European Union Trade Mark (EUTM)**. The Office for Harmonization in the Internal Market (OHIM) will also become the **European Union Intellectual Property Office (EUIPO)**. The EUIPO will remain quite separate from the European Patent Office (EPO).

2. New Fee Structure

A new one-fee-per-class-system will be adopted for trade mark applications and renewals of EU trade marks. The cost of applications containing a single class will reduce, especially the renewal of EU trade marks having three or fewer classes. However, official fees for applications containing 3 or more classes will increase.

3. Class Headings

Under previous practice, specifications of goods and services adopting broad "class headings" were understood to encompass all goods and services within that particular Nice classification. The present reforms sweep away this historic precedent. In the future, only goods and services that fall within the literal meaning of the words within the applicable class heading will be covered.

4. Transitional Provisions

Holders of EU trade marks filed prior 22 June 2012 and designating an entire class heading may – until 24 September 2016 – declare that their intention on the date of filing had been to seek protection in respect of goods or services beyond those covered by the literal meaning of the heading of that class, provided that goods or services so designated are included in the alphabetical list for that class in the edition of the Nice Classification in force at the date of filing.

5. Easier Registration for Exotic Marks

The requirement to represent a mark *graphically* will be dropped from 24 September 2017. This will simplify the process of applying for exotic trade marks such as shapes, sounds, colours etc.

6. EU Certification Mark Introduced

A new EU Certification Mark will be introduced on 23 September 2017 thus bringing the EU trade mark system into accordance with national systems.

7. Other Issues

The reforms introduce numerous other changes, principally of a technical or administrative nature. If you have any questions we encourage you to talk to your Cameron Intellectual Property attorney.

The above information is provided for background information only and should not be considered as legal advice. This information is based on the situation within the UK only.