

## **6 things trademark lawyers want to know about the new EU trademark law**

### **1. New names**

As from 23 March 2016, the CTM becomes “**EUTM**” and the European Trademark Office – so far OHIM (Office for Harmonisation in the Internal Market) – becomes **EUIPO** (European Union Intellectual Property Office), a somewhat over-assuming name in that patents will of course stay with the European Patent Office in Munich.

### **2. New (lower) fees**

Fees go down, generally, except for applications, for which they stay just about the same. The real bargain are renewals, which, for a single class registration, go down from 1,350 to 850 EUR, which is a 37% reduction, and the size of the reduction grows with the number of classes that are renewed. The new fees will be payable for all CTMs that expire on or after 23 March 2016.

### **3. New time for renewals**

Going forward, EUTMs have to be renewed at the date of expiry, and no longer at the end of the month in which the expiry falls.

### **4. New rules for specifications**

The new EUTM Regulation provides that specifications can consist of class headings, provided these are clear and precise. Specifications will only cover goods and services that fall under the literal meaning of any terms used. CTMs filed before 22 June 2016 containing full class headings and lacking any products that are not clearly covered by those can be amended by 23 September 2016. Going forward, products of interest not covered by class headings should be added. Generally, however, specifications in EUTMs can continue to be broad as the use requirement only kicks in five years from registration. In that respect, there is no change.

### **5. Company names**

The use of company names is expressly mentioned as potentially infringing use. Moreover, the own-name defence for corporate names is abolished – this is only available for personal names.

### **6. New things that will take a while to become true**

Important practice changes by September 2017: priority claims will have to be submitted together with the trademark application; requirements for representing trademarks will have changed; certification marks will be introduced.

Important practice changes on national level: EU Member States have to introduce opposition proceedings and allow the non-use defence in those (by January 2019). And they have to introduce administrative cancellation proceedings – but this only by January 2023.