

CTM registrations now faster

New fast track procedure of the OHIM – Being on the fast lane



From 24 November 2014 on, OHIM offers a new “Fast Track” procedure for CTM registrations, saving two months time from application to registration.

I. GENERAL INFORMATION

The new “Fast Track” procedure shall make it possible that Community trademark applications will be published in half the time or less compared to regular applications. This can save two months time. Regular applications are published within 8 to 11 weeks from payment of the official fees. Accordingly, the “Fast Track” procedure will lead to a publication of Community trademark applications in approx. 4 to 6 weeks or less.

The “Fast Track” procedure will be free of official extra fees. But there are certain further conditions to be met.

The “Fast Track” proceeding is a useful alternative to the regular proceeding, when the applicant likes to have certainty about the success of his application as quickly as possible.

II. ESSENTIAL REQUIREMENTS

The essential conditions for the “Fast Track” procedure are the following:

- The applicant must apply for the “Fast Track” proceeding, otherwise the application will be handled as a regular application
- The goods and services for the application have to meet the OHIM TMclass requirements, pre-validated and translated terms already accepted by OHIM
- The application fee has to be paid together with the application or immediately after its submission

The application shall not trigger any deficiency finding at the time of submission or during its examination by the OHIM. Otherwise the application will switch to the regular proceeding.

III. ADVANTAGES OF BEING FAST

The “Fast Track” proceeding will give trademark applicants one of the world’s fastest proceedings to have certainty whether their new designation will be rewarded with trademark protection and whether other trademark holders may have objections to the application or not.

It goes without saying that this itself is a big advantage in most marketing and product naming processes.

But even more, the 5-6 months timeline from application to registration will now enable applicants to have a fully registered CTM as a basic trademark for an International Registration within the 6 months deadline to claim the priority of the basic trademark for the International Registration. This will protect the investment in the International Registration on the basis of a CTM because the risk of a “central attack” against the CTM is limited when the opposition period has expired.

However, not every application will qualify for the “Fast Track” proceeding. Where an individual list of goods and services is required to achieve the most effective scope of protection or to avoid collisions with other trademarks, the regular proceeding will remain the proceeding of choice.



Dr. Nils Weber
Attorney-at-Law/Managing Director
Certified Specialist in
Intellectual Property Law
T +49 (0)221 27758-280
weber@jonas-lawyers.com



Linda Thiel
Attorney-at-Law
T +49 (0)221 27758-205
thiel@jonas-lawyers.com

JONAS Rechtsanwaltsgesellschaft mbH
Hohenstaufenring 62 . 50674 Cologne . Germany
Tel. +49 (0)221 27758-0 . Fax +49 (0)221 27758-1
info@jonas-lawyers.com . www.jonas-lawyers.com