



EU TRADEMARK APPLICATION GUIDEBOOK

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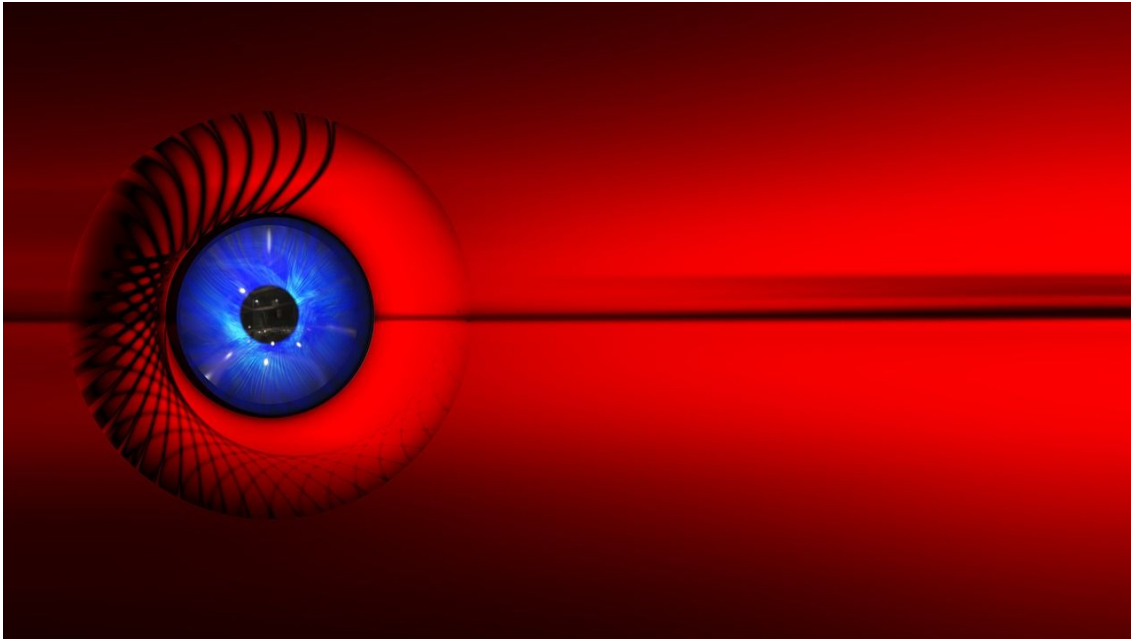
EU trademark system is one of the kind. It is currently the only transnational system where you can with one trademark reach nearly half a billion consumers spanning 28 (soon 27) countries and doing business in 24 official EU languages. The system is by no means perfect, but it is the what have. On most accounts EU trademark system is a huge success despite many of its flaws. In many ways it operates like other trademark systems. However, due to its transnational nature some compromises have been necessary in terms of accommodation various national preferences and requirements.

We hope to give you a short but highly useful snapshot to the EU trademark system. The purpose of this guidebook is to help small and medium size enterprises (SMEs) take advantage of the EU trademark system. We try to keep as practical as possible. Thank you for downloading our guidebook.

Helsinki February 2017.

Ipriq Ltd

1. Filing an EU trademark



Basics

EU trademark covers all member states of the European Union (at the time of writing Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom). Those European countries that are not members of the EU, such as Norway and Switzerland, are not covered by the EU trademark.

EU trademark has a unitary character, meaning that it is indivisible. It is granted for the whole union, and if there is a registration obstacle that concerns only one country, the EU trademark cannot be registered. It's all or nothing. Having said that, registering an EU trademark is by far the cheapest way of getting trademark rights across Europe. EU trademark system co-exists with the national systems. Each European country has

its own intellectual property office that is in charge of registering national trademarks. In practice, since the introduction of the EU trademark in 1996, most national offices are receiving fewer and fewer applications. National trademark application is still a viable option if you need trademark rights in only one or few countries. EU trademark office, called "European Union Intellectual Property Office", is based in Alicante, Spain.

Anybody can apply for an EU trademark. The application must be done in writing. It can be done via EUIPO's online filing platform, by fax, letter, or brought in person to the reception desk at EUIPO in Alicante. If you file by other means than EUIPO's online platform, the application must contain the following:

- 1) Request for the registration of EU trademark
- 2) Information identifying the applicant
- 3) List of goods and services for which registration is sought
- 4) Graphical representation of the trademark

Fees

The application fee must be paid within 30 days of submitting the application. If it not, then the EUIPO will issue an "office action" (you can read about office actions in chapter 2) and the filing date will be the date of payment of the fee, not when it was submitted to the EUIPO.

The filing fee must be paid in euros. The fees are as follows:

	Basic fee (1 class)	Second class	Additional classes
Electronic filing	850 €	50 €	150 €
Non-electronic filing	1000 €	50 €	150 €

Language of the application

The application must be filed in two languages. The first language can be any of the EU's official languages. The second language must be one of the 5 official language of EUIPO: English, German, Spanish, Italian or French. If the applicant uses the EUIPO's electronic platform the application form can be accessed in any EU language. In practice the applicant does not need to fill any information in the second language. It is enough that a second language is nominated. The EUIPO will translate all relevant parts of the application, including the list of goods and services for which the trademark is applied.

How to take advantage of the language regime

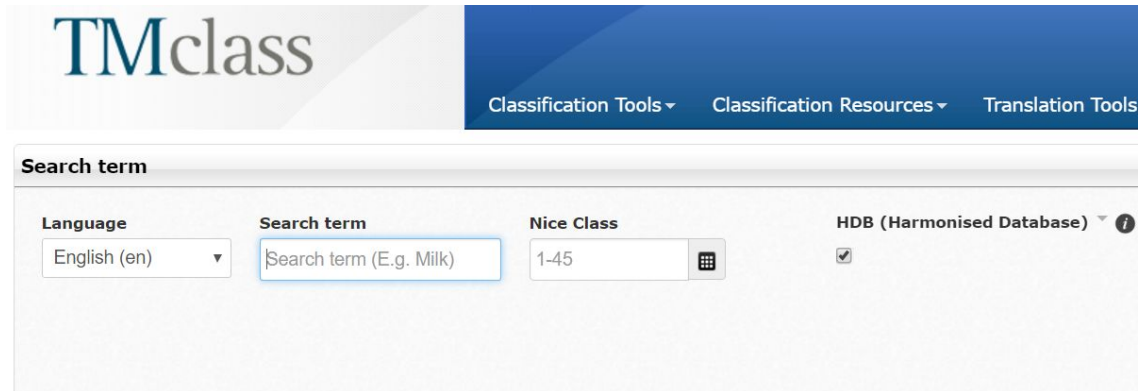
If you want to have the proceedings in one of the EUIPO's official languages, you must choose as your first language one of the non-official languages (e.g. Finnish) and as the second language the one in which you prefer having the proceedings. Because oppositions and invalidations are always filed in an official language, any opposition or invalidation against an EU trademark trademark must be filed in the language chosen by you as the second language, e.g. in English (because it is the only official EUIPO language named in the application). If you choose two official languages, e.g. German and English, any actions against the trademark could be filed in either language. The one who starts the proceedings (e.g. opponent to your mark) chooses the language.

List of goods and services (classification)

Regarding the list of goods and services, the applicant can submit his own list or use EUIPO's online classification tool. The benefit for using the online classification tool is that the items are pre-approved by EUIPO. In practice this means that the applicant will not receive office actions based on classification issues.

EUIPO requires that the goods and services are identified with sufficient clarity and precision to enable the competent authorities and economic operators, on that sole basis, to determine the extent of the protection

sought. You can use your own terms or choose them from EUIPO's database of accepted terms. The database, called TMClass, can be found [here](#). It is easy to use:



The screenshot displays the TMClass search interface. At the top, the 'TMclass' logo is on the left, and navigation links for 'Classification Tools', 'Classification Resources', and 'Translation Tools' are on the right. Below the header is a search form titled 'Search term'. The form contains four main elements: a 'Language' dropdown menu currently showing 'English (en)', a 'Search term' text input field with the placeholder text 'Search term (E.g. Milk)', a 'Nice Class' dropdown menu showing '1-45', and an 'HDB (Harmonised Database)' checkbox which is checked. There is also a small information icon (i) next to the HDB label.

Choose your language on the left and then enter the term you wish to search (e.g. shoes). You will receive a list of pre-approved terms containing the word "shoes", such as "shoes", "yoga shoes" and "leisure shoes" in class 25 or "brake shoes for motor cars" in class 12. In total, you will get 139 items in 17 different classes containing the word "shoes". With TMClass you can find items that are automatically accepted by EUIPO. As an added bonus, with TMClass you can find terms that are accepted by other major intellectual property offices, such as the United States Patent and Trademark Office (USPTO).

Regardless whether you use EUIPO's online platform or submit the application by other means, you can always use your own terms to identify the list of goods. For example, "retail services relating to shoes" is not on the list, but would be accepted by EUIPO as sufficiently clear and precise.

Remember that as with all trademark systems, once the application is filed, it is no longer possible to add new products and services. Any expansion will require a new application (and new filing fees).

How to decide which goods and services to include in the application?

When compiling the list of goods when making an application, try to anticipate as much as possible where your business is going. Consider not limiting the list of goods and services only to those who now are using your brand. Think what your plans are in terms of offering new products and services in the coming years. Once the application is submitted, it is impossible to add new goods and services. Those familiar in the US system should note that there is no requirement of "use" or "intent to use" in EU.

Consider protecting your trademark at least for ancillary goods and services and for those in which the brand could expand in foreseeable future. Also consider adding those goods and services for which you would not want others to use the same name. For example, for a company manufacturing devices to prepare carbonated drinks (companies like SodaStream), it is recommendable to protect the brand for at least soft drinks and flavoring syrups.

The most common problem with applications made without the help of a trademark attorney is that the list of goods and services is too narrow, and contains only some of the products that are covered by the trademark. Another common related issue is that manufacturers of products do not often include ancillary services, such as installation, repair and maintenance. When using intellectual property offices' online filing tools (be it USPTO, EUIPO or any other), the applicant is not given any advice for drafting a comprehensive list of goods and services. The same applies to online filing platforms that are offered by various law firms. The disadvantage is that even when using an online form, the applicant (you) is still expected to be the expert and tell the IP lawyer or intellectual property office which goods and services are included in the application. Ipriq Intellectual Property Law has developed a system that give each applicant help in this respect. For example, if an applicant

wishes to register food products (in class 29), our system automatically offers also "baby food" which belongs to a completely different class (class 5). We have done this for 45 different industries so that the applicants always get industry and context specific suggestions when they use our service. This is included even in the most basic version of our online filing system.

Remember also that making a new application later to add more products is more expensive than the inclusion of those products in the first application. So think of drawing up the list of goods widely, but realistically. The more categories of goods included in the application, the greater the risk of an obstacle due to the rights of others and the higher the government fees. However, these extra classes costs are significantly lower, than making a new application. So think broadly but realistically.

Professional representation

For those individuals who are domiciled in European Economic Area countries (EU members and Norway, Iceland, and Liechtenstein) it is not mandatory to use a professional representative. A non-EEA based individual or company must use a professional representative in all proceedings before the office. Filing the application is not a "proceeding", so technically nobody needs a representative to file an EU trademark. However, responding to office actions, oppositions, etc. a non-EEA individual or entity must appoint a professional representative.

Priority

If the applicant has filed an identical trademark for same goods and services in the previous 6 months, he may be entitled to claim "priority" from that prior application. In practice it means that the EU trademark, if accepted, will be granted protection from the date of filing of that earlier trademark.

Fast track

If you use EUIPO's online platform to file the application, you can choose a "Fast Track" procedure at no extra cost. The main requirements are that you use EUIPO's pre-approved goods and services in the classification and pay the application fee online immediately. You can see the full list of requirements [here](#). In fast track procedure the application is examined and published in under one month. The "normal" examination takes about a couple of months if there are no issues affecting the acceptance of the application.

2. Examination of the application



Once the application is submitted, it is examined by EUIPO. The examination contains formalities and substantive issues. Formalities include issues like the payment of the fee and that the application contains the trademark to be applied and the list of goods. It is necessary that the formalities are satisfied in order to get the filing date.

For practical purposes the examination concentrates on these issues:

- 1) Classification - the list of goods and services must be clear and precise, and comply with an international trademark classification system called "Nice Classification".
- 2) Absolute grounds of refusal - EUIPO examines that the application complies with the requirement EU trademark laws and practice. In most cases this means that the trademark does not describe the products or services for which registration is sought, but there are also other requirements that must be satisfied.

If you use EUIPO's pre-approved goods and services, there should not be issues with classification. If you use your own items, it is possible that

EUIPO deems them to be unclear or imprecise and requests them to be clarified.

Absolute grounds of refusal

The most important requirements that must be met by the application in relation to “absolute grounds of refusal” is that the mark is “distinctive”, does not describe the goods and services in question, is not something that is customarily used in normal business practices, is not comprised on a simple or functional shape of the product, or is not misleading (deceptive). In addition to these, there are some other requirements that in most cases will not cause any issues (for example, the trademark cannot be against the “accepted principles of morality”, such as racial slur).

By far the most important aspects are distinctiveness and descriptiveness, and often these go hand in hand. A descriptive mark is considered to also be non-distinctive (although the opposite is not necessarily true).

When assessing whether the mark satisfies the absolute grounds, the examination is based on how a reasonably well informed, observant and circumspect consumer would view the mark. If the products are for professionals, then that is also taken into account.

Distinctiveness. Distinctiveness means that the trademark must contain something that makes it capable of distinguishing the goods and services from those provided by other companies. It must be able to be perceived as an identifying source of the product.

For example, commonly used words like “Eco”, “Super” or “Premium” are not distinctive. It is important to notice that the distinctiveness is assessed in every EU-language. If the word is non-distinctive in even one EU language, the application cannot be accepted. For example, “Kala” would not be accepted trademark for fish fingers (food product)

because "kala" means "fish" in Finnish. Other examples of signs that are inherently non-distinctive are colors and single letters/numbers (e.g. letter W for clothing).

Slogans are difficult to get registered in practice because they often contain a very general or descriptive statement. A slogan that contains a play of words, have several possible meanings, contains an element of surprise or requires interpretative effort can be found distinctive.

Example of rejected slogan

"MORE THAN JUST A CARD" (for bank cards)

Example of accepted slogan

"WET DUST CAN'T FLY" (for cleaning products)

Descriptiveness. The mark is also not accepted if it describes the "kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service". In simple terms, word "Green" for recycling services, "Bubble" for sparkling wines or "Skinny" for exercise equipment would be considered descriptive and therefore not accepted as trademarks.

Sometimes it is difficult to know when the mark is "sufficiently" descriptive so that it is not accepted. The requirement is that the descriptiveness (which is assessed against the goods and services covered by the trademark) must be direct, specific, concrete, and understood without further reflection. If the mark is merely "suggestive" (meaning that it gives an indirect reference to the goods or service) it will be accepted. For example, word "Jaquar" is acceptable for cars. Name "Jaquar" is suggestive of the qualities of the car, since Jaquars are known to be extremely fast animals. These kinds of indirect references do not make a trademark descriptive.

Combining two descriptive words does not usually make the trademark non-descriptive. However, if the combination is more than just the sum of its parts (for example, highly unusual or conceptually impossible), the combination may be accepted (e.g. GREENSEA). Common misspellings (X-tra, LITE) do not usually make a descriptive mark registrable.

As above, it should be noted that descriptiveness is assessed in every official EU language.

Other requirements. Other requirements include that the mark is not deceptive and does not merely include a functional shape of the product. Mark is deceptive if non-deceptive use of the trademark is impossible. For example, trademark GluteFree for gluten products would be deceptive. If non-deceptive use is possible (GluteFree for bread, since mark could get used for gluten free bread) EUIPO will not object on that ground.

Regarding shapes, trademarks that consist exclusively of shapes resulting from the nature of goods, shapes that give substantial value to the product, or shapes that have a technical function will be refused. In practice the threshold of finding shapes "distinctive" is very high in the EU. Distinctiveness of a shape can be conferred if the shape departs from others available on the market. The shape must depart from already existing shapes and from what is expected by the consumers. It is not enough that the shape is just a variant of existing shapes already on the market in an area where there is a large diversity of shapes. The shape must be striking in order to be perceived as an indicator or origin.

Acquired distinctiveness. Mark has acquired distinctiveness when following its use it has come to identify the goods and services of the proprietor and when the mark has gained new significance so its connotation is no longer purely descriptive.

Acquired distinctiveness must be shown by the applicant with evidence. The evidence can relate to the the market share held by the mark, how intensive, geographically widespread and long-standing use of the mark has been, the amount invested by the undertaking in promoting the mark, the proportion of the relevant class of persons who, because of the mark, identify goods as originating from a particular undertaking, and statements from chambers of commerce and industry or other trade and professional. Due to unitary character of an EU trademark, acquired distinctiveness must be established throughout the territory where the mark was inherently non-distinctive. If the mark is non-distinctive in all countries (as would be the case with colors for example), it must acquire distinctiveness through use in all countries. If the descriptiveness concerns only part of the EU, it is sufficient to show that the trademark has acquired distinctiveness in that part. For example, if the application is rejected because the applied mark describes the goods covered by the trademark in the Estonian language, it is sufficient for the applicant to show that the trademark has acquired distinctiveness in Estonia.

Office actions (“Notifications”)

If there is any issue with the application (either with formalities or substance), EUIPO will issue an office action, which it calls a “notification”. The notification sets out a time limit within which the applicant must respond. In most cases the response time is two months, and most cases it can be extended with a written request, provided that the request is submitted before the expiry of the response period.

The notification always sets out the reason why it was given, such as lack of payment of the fee or that the applied mark was found not to satisfy the absolute grounds requirements (for example, the mark was found descriptive).

If you receive a notification regarding absolute grounds, it is advisable to request that a trademark attorney evaluates your chances of

challenging the EUIPO's assessment of your mark. In many cases it is possible to have the objections overcome by a reasoned statement explaining why the applied trademark satisfies the legal requirements for registration. Also, there may be instances which the EUIPO in its preliminary assessment cannot have taken into account, such as if the mark has "acquired distinctiveness" by virtue of its use on the market place. Also, there are often industry and business relevant information that the EUIPO examiner does not know and cannot have taken into consideration.

In many countries a failure to respond to office action is considered as an abandonment of the mark. If the notification relates to unpaid application fee, and the fee is not paid in time, the application will be considered as not having been filed at all. In most other cases the effect of non-response is that the application will be rejected to the extent mentioned in the notification (the difference being that in many countries the failure to respond leads the mark being abandoned in its entirety even if the refusal to accept the mark was only partial). As a general rule, if you do not respond to the notification within the specified time limit, it will not be possible to do so later. Although there is a mechanism to ask for the time limit reinstated, in practice the requirements are very stringent.

If all is good

If the examiner of your case determines that your application satisfies the criteria mentioned above and your trademark can be accepted, EUIPO will "publish" your application. The "publication" will trigger a three month period within which other parties can claim that your trademark should not be accepted. If they object to your trademark, they must either submit an "opposition" or "third party observations". For most practical purposes these are very similar in the sense that they may both lead to your trademark being refused. If there are no oppositions or third party observations, your registration is final. Congratulations.

If all is not so good

If your application is rejected you have a right to appeal. The notice of appeal must be submitted within 2 months of the decision, and within 4 months of the contested decision the applicant/appellant must submit the reasons why the decision was incorrect. The appeal fee is 720 euros. The appeal will be considered by a "Board of Appeal" who will examine whether the original examination was undertaken correctly. If they consider that the examiner applied the relevant laws incorrectly, they will "allow" the appeal and your trademark is published.

If the Board of Appeal considers that the original decision was correct and your trademark cannot be accepted, they will issue a decision rejecting the appeal. If this happens, it is possible to appeal to the General Court of the EU, and finally to the Court of Justice of the European Union. These appeals are far more regulated and in practice far more expensive.

Last resort - conversion

After the final rejection of the application, it is possible to "convert" the EU trademark application to national applications. Conversion is a helpful procedure in situations where the refusal of the trademark was based on an issue dealing with only part of the EU (for example, descriptive in one language). In such case the applicant can convert the refused EU trademark into national applications in countries not affected by the grounds of refusal. Request for conversion must be made within three months. The advantage of conversion as opposed to simply applying for national trademarks is that the application date of the refused application will be used for the national trademark. The fee for applying for conversion is 200 EUR. The conversion application is submitted to EUIPO and in that you will have to indicate the countries (among EU member states) in which you want to have the converted application.

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3. Oppositions and third party observations



Unextendable time limit for oppositions and third party observations is three months. The main difference between the oppositions and third party observations is that oppositions are based on somebody's prior rights (in most cases earlier registered trademark) while third party observations are based on the claim that EUIPO has incorrectly assessed the acceptance criteria of your trademark, for example that the published trademark should have been considered non-distinctive or descriptive and thus refused.

Third party observations

Third party observations allow third parties to claim that your trademark should not be registered. Typically this would be a case where for example a trade organisation claimed that to accept the registration of a particular name would unduly limit the economic freedom of other companies in the same industry. It may be the case, for example, that within a highly specified industry there is a common terms that one company tries to monopolise. It is possible that the term is not obvious

to outsiders and there might not be much material on the internet to allow the examiner to conclude that the applied trademark is actually a common term in a highly specialised industry. Third party observations are useful in these kinds of situations. If somebody makes third party observations against your application, you will be given the possibility to submit your own comments in favor of the registration.

An important difference between third party observations and oppositions is that the party making the observations is not formally a party to any EUIPO proceedings, meaning that if their observations are not accepted they will not have the right to appeal against the decision. If the observations are accepted and your EU trademark application is refused, you will have the right to appeal.

Opposition - who can oppose

Oppositions can be submitted by other companies who have prior rights that they consider obstacles to the registration of your trademark. Regarding prior trademarks, you should be aware that a prior trademark in any EU member state is sufficient for your trademark not being accepted. Oppositions can be based on the following:

- Prior EU trademarks and trademark applications
- Prior national trademarks or applications in any EU member state
- Prior international trademarks or applications designating EU or any EU member state
- Non-registered trademarks or other signs used in the course of trade and having "more than mere local significance", provided that such sign gives rise to national rights in that country that would enable the proprietor to prevent the use of the EU trademark that is being opposed.

In simple terms, oppositions are based on prior trademark registrations that are valid in the EU or its member states. To limited extent non-registered trademarks and other signs, such as company names, can be used to oppose an EU trademark application.

Beginning of opposition

Opposition starts with a "notice of opposition". In that the opponent simply informs EUIPO the grounds in which he opposes your trademark. It is not necessary to state any reasons or argumentation in support of the opposition at that point. EUIPO will inform the applicant at that point that a notice of opposition has been received. The opposition fee, payable by the opponent, is 320 EUR.

If the opposed application has two official EUIPO languages (English, Spanish, Italian, French, German), the opponent can choose the language of the opposition from these two languages. If the application has only one official EUIPO language (i.e. the first language is one of the non-EUIPO languages), the language of opposition will be the only official EUIPO language. So if the application was made in Finnish and English, the language of opposition will be English.

If the opposition is found admissible (i.e. complies with various formality requirements), EUIPO notifies both parties that the opposition proceedings will commence in two months. This two month period is called "cooling-off", during which the parties have a chance to settle the opposition before the start of proceedings. If the parties agree pursue settlement, the cooling-off can be extended for another 22 months. The extension is automatically granted for the whole 22 months regardless of how much time was requested. Either party can at that point end the cooling-off at any time and continue to the proceedings.

Similarity and likelihood of confusion

In the opposition period the opponent must establish that there is a "likelihood of confusion" between the opponent's prior right (usually a trademark) and the applied mark. Likelihood of confusion means that the public might believe the goods and services to originate from the same company or economically linked companies.

The existence of a likelihood of confusion will be determined by various factors. The most important aspects are the degree of similarity of the trademarks in questions and the degree of similarity of the products and services in questions. The similarity of trademarks is assessed from visual, phonetic and conceptual points of view. The similarity of goods and services are determined by various factors such as whether they are competing or complementary products (services), if they are marketed in the same trade channels, if they have the same target audience, whether they are usually manufactured by same companies, and so on. The assessment is always based on taking all relevant factors into account. If EUIPO determines that there is some similarity in the marks as well the products, it will proceed to considering the final part, i.e. the likelihood of confusion. Likelihood of confusion is also based on overall assessment, taking all relevant aspects into account. In addition to considering the degree of similarity between the marks and the goods and services, relevant factors include the degree of distinctiveness of the earlier trademark and the target group's level of attention.

It is possible that the opposition is based on a trademark "with reputation", in which case it is not required that the goods and services are similar. If the prior mark is particularly famous and enjoys reputation, the owner can in certain circumstances prevent the registration of a later mark even for goods and services that are not similar. The protection granted to marks with reputation is not about protecting the function of origin. It is about protecting reputation. Therefore, it not necessary to establish that a likelihood of confusion exists between the mark with reputation and the later mark. It is enough that there is an "association" between the marks, i.e. that the public makes a connection with the marks without necessarily confusing them. If the opposition is based on a trademark with reputation the opponent must show (1) the existence of reputation of an earlier registered trademark, (2) the identity or some degree of similarity of the marks under comparison, (3)

that use of the applied sign would be capable of taking unfair advantage or the earlier mark or be detrimental to its distinctive character or repute, and (4) the use of the applied sign would be without due cause.

Proof of use

If the prior trademark on which the opposition is based was registered more than 5 years before the filing of your trademark, you have a right to request that the owner of the older mark proves that his trademark has been used during the five year period before your application. If the opponent cannot prove that, his rights are considered not valid against you in the opposition proceedings. If he can prove that his trademark has been used for only some goods and services covered by his registration, his rights will be deemed valid only in relation to those goods and services for which use is proven. The use must relate to the place where the prior trademark is registered. If the prior trademark is Swedish, the owner must show use of the mark in Sweden. If it is an EU trademark, the owner must show its use in the EU.

In addition to the above, there are many detailed rules and formalities regarding the evidence of use and how it is to be submitted. Therefore, it should be done by an experienced trademark attorney.

Winner takes it all, almost (apportionment of cost)

In theory the loser of the opposition is ordered to pay the winner's costs, provided that the winner has requested his costs to be reimbursed. In practice the maximum amount to be reimbursed is only 300 EUR, so it does not cover the cost of the opposition. The loser will also have to pay the opposition fee (which has been already been paid by the opponent at the beginning of the opposition).

How about owners of other prior rights?

It is somewhat strange that the opposition proceedings are limited to owners of very few prior rights. The owners of e.g. copyrights and

registered designs can apply for the invalidation of the EU trademark registration on the basis that there is likelihood of confusion to their prior right. They cannot oppose the application, but they can have the registration invalidated after it has been registered.

4. Useful links



EUTM database - Online database of CTMs. Contains diverse advanced search options.

EUTM case law search - EUIPO's tool for searching EUIPO and CJEU decisions.

TMview - Online database for trademark searches. Database contains all EU member state trademark databases as well as some non-EU databases (e.g. US, South-Korea, Turkey, WIPO). The tool is not limited for identical search, by using the "fuzzy search" option you can get prior similar marks as well.

TMclass - Classification tool for discovering acceptable terms for goods and services. Covers acceptable classification terms from other offices, such as many EU member states and USPTO.

Similarity - An online tool for comparing whether searched goods are considered similar. The search results also contain information

regarding the reasons why two goods or services have been found similar or dissimilar.

EUIPO Practice Manual - Official EUIPO manual containing the principles EUIPO examiners follow when handling cases.

InfoCuria - Electronic database of decisions of European Courts (Court of Justice of the European Union, General Court).

Alicante News - EUIPO's monthly newsletter containing articles on trademark and design issues, case comments and news about EUIPO.

European Trade Mark and Design Network - Information about EUTM matters, co-operation between national offices and EUIPO, news, and much more.

EU Trademark Regulation - The most important legislation covering EU trademarks.

5. Final thoughts



Thank you for taking the time to read this guidebook, we hope it has been worth your time. We have made the book as accessible and easy to understand as possible. To do so we have had to generalise and simplify many things and even leave many important aspects uncovered. The purpose is to give you a good *overall* understanding of how your EU trademark application is handled in a short and concise manner. This guidebook does not contain legal advice, and it is possible that the comments and opinions will not be well suited in an individual case. Every case is different, and should be considered individually by a competent attorney.

We strongly recommend that you use an experienced trademark attorney in handling your application. We made a survey of all trademarks that were applied in Finland in 2015. For those applications made without a legal representative the rate of refusal or abandonment was three times higher for those applications where representative had been appointed. Needless to say, the rate of registration was similarly much higher when the application was handled by the an attorney. If

you invest nearly 1000 EUR or more in applying an EU trademark, we recommend that you use an attorney so that the chances of having your application accepted are as good as possible. In the words of American Red Adair, *"if you think it's expensive to hire a professional to do the job, wait until you hire an amateur"*.

Thank you.

Eutrademark.online

Eutrademark.online is the easiest and fastest way to protect your trademark in the EU. Our online service helps you to make the best possible application and from thereon we make sure that your application is handled so that the chances of protecting your trademark in the EU are as good as they can be.

Ipriq Intellectual Property Law

Eutrademark.online is provided by Ipriq Intellectual Property Law. Ipriq is a boutique IP law firm established in 2016 by Erkki Holmila and Jarmo Talvitie, both of whom have been working as intellectual property attorneys for more than a decade and have been advising many of the world's largest and most prestigious brands. Our focus is on developing the best digital products in the industry to make affordable and high quality legal advice accessible for all companies.

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