

RATNERPRESTIA TRADEMARK UPDATE

**BEFORE MAY 1 IS THE BEST TIME TO APPLY
FOR A EUROPEAN COMMUNITY TRADE MARK REGISTRATION**

APRIL 9, 2009

This week, the Office for Harmonisation of the Internal Market (OHIM), the body that administers European Community Trade Mark (CTM) registrations announced a reduction in government fees for CTM registrations that will go into effect on May 1, 2009. The current CTM fee structure includes a government filing fee due at filing and a government grant fee due just before grant of the registration (typically many months after the filing date). The overall reduction in government fees effective May 1 includes an elimination of the grant fee, along with a slight increase in the filing fee. The grant fee will be waived, however, for any pending application for which no grant fee request has been made prior to May 1, 2009. Accordingly, applications filed between now and May 1 will get the benefit of the lower filing fee, without ever being assessed a registration fee.

Accordingly, and taking into account the excellent US Dollar-to-Euro and US-Dollar-to-British-Pound exchange rates right now, **the overall cost of filing a CTM application is likely at an all-time low between now and May 1.**

Facts about CTM registrations:

- Actual use (or even bona fide intent to use) in Europe is not required for filing.
- CTM registrations cover all 27 member countries of the EU, namely Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom in a single registration.
- CTM registrations include up to 3 classes of goods and services for the standard filing fee. Each class greater than 3 incurs a supplemental charge.
- CTM registrations are valid for the first 5 years after registration without a risk of cancellation for non-use.
- After 5 years, use in at least one EU member country will support continued registration across the entire EU for those goods and services in actual use.

Cost

For the next month, RatnerPrestia will guarantee a flat rate of \$2400 USD for filing a new CTM application in up to 3 classes of goods and services, including RatnerPrestia's fees, foreign associate fees, and government fees. Even though no grant fee will be assessed, post-filing service charges of approximately \$750-\$1000 will still apply over the life of the pending application, to address the costs incurred by RatnerPrestia and its foreign associates for reviewing and reporting various documents issued by OHIM during the registration process, not including non-routine charges for tending to objections or rejections by OHIM or potential opposition by third parties.

If you are interested in more details, please contact RatnerPrestia's Trademark Center:

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