

---

## factsheet

## TRADE MARK WATCHING

Registration is the only effective means of protecting trade marks and controlling unauthorised use by others.

However, you also need to watch for third parties attempting to register or use similar marks, as delay in taking action can mean prejudicing your rights and more difficulty and expense later on.

This is because reliance cannot be placed on the UK Intellectual Property Office preventing the registration of similar marks by others, since:

- The UK Intellectual Property Office now makes only a limited search for prior trade mark registrations or applications when examining a new application, thus making it more likely that it will not find a similar trade mark which has already been registered.
- A number of other Intellectual Property Offices make no search at all for prior trade mark registrations or applications when examining a new application.
- Others such as the European Community (EU) Trade Mark Office make a search but still do not object to trade mark applications on the basis of similar – or even identical – marks which have already been registered by their owners.

Trade mark owners thus need to be alerted to the publication of conflicting trade mark applications being registered by third parties, so that they can raise objection, and if necessary file formal opposition, before the official deadline.

Accordingly, watching for conflicting applications is vital to prevent your trade mark, or something very similar, being registered by someone else.

Our Trade Mark Watching Service provides notification of the publication of identical or similar trade mark applications covering the classes<sup>1</sup> and countries of interest to you, so that opposition can be considered. All items notified to you are reviewed for their relevance to your business.

We can provide information concerning the areas of interest to you and specific quotations on request with details of costs.

Please contact us for further advice.

### Notes

1. See our factsheet "Trade Mark Classes".

