

## National v International v European Union Trade Mark Registrations

	SEPARATE NATIONAL REGISTRATIONS	INTERNATIONAL REGISTRATIONS (separate designations for EU countries)	EUROPEAN UNION TRADE MARK REGISTRATIONS (filed directly)	EUROPEAN UNION DESIGNATIONS (via International Registration)
Cost	Expensive	Relatively inexpensive but can become expensive if many refusals are contested as local trade mark attorneys need to be instructed	Inexpensive in general (but about 20% of published applications are opposed which can then result in substantial costs)	Inexpensive in general (assuming that an International Registration is being filed in any case) (but about 20% of published EU applications/designations are opposed which can then result in substantial costs)
Extra countries	Expensive	Further countries (in the International Registration System) can be designated at the same time in the same application at marginal cost. Also, further countries can be added later	Not applicable	Not applicable
Timing of official fees	Depends on country as to whether there are fees on grant as well as on filing	All official fees payable on filing	All official fees payable on filing	All official fees payable on filing
Paperwork	Lots	Usually not much	Usually not much	Usually not much
All or nothing?	No – each case stands or falls by itself	No, in general. Each designation stands or falls by itself (unless there is central attack, in which case one can convert into national applications)	Yes. An objection or successful attack will cause the EUTM to fail (even if the reason relates only to one EU country): one can convert for the unaffected countries which are of interest	Yes. An objection or successful attack will cause the EU designation to fail (even if the reason relates only to one EU country): one can convert for the unaffected countries which are of interest, either as national applications or (except for Malta) designations in the International Registration
Objections on grounds of prior trade marks by the trade mark office	Varies from country to country as to whether the trade mark office itself will raise objection on the grounds of prior trade marks	Varies from country to country as to whether the trade mark office itself will raise objection on the grounds of prior trade marks	The EUIPO will not itself raise objections on the grounds of a prior trade mark - thus there will not be a problem caused by old trade marks that the owners have lost interest in	The EUIPO will not itself raise objections on the grounds of a prior trade mark - thus there will not be a problem caused by old trade marks that the owners have lost interest in
Maintaining validity	In general, use in one country does not preserve rights in another designated country	In general, use in one designated country does not preserve rights in another designated country	A reasonable amount of genuine use in even one EU country may be sufficient to maintain the validity of the registration against attack on the grounds of non-use	A reasonable amount of genuine use in even one EU country may be sufficient to maintain the validity of the designation of the EU designation against attack on the grounds on non-use
Redundant protection	Only countries of interest need to be covered	Only countries of interest need to be covered	EU countries which may not be of interest get covered: it may be those countries which cause problems	EU countries which may not be of interest get covered: it may be those countries which cause problems
Speed	Registration may be fast or slow depending on the country	Protection may in some cases be achieved more speedily than for an EUTM	In general, rights only from grant - this can be very slow if the application is opposed. Grant will probably be marginally quicker for a directly filed EUTM than for one via an International Registration	In general, rights only from grant - this can be very slow if application is opposed. Usually it takes slightly longer for an EU designation to achieve protection than a directly filed EUTM
Renewals etc.	Renewals, changes of name etc. have to be dealt with separately for each country – therefore more expensive	Renewals, changes of name etc. dealt with centrally rather than country by country. Licences can be recorded centrally for many, but not all countries	Renewals, changes of name etc. dealt with for EUTM alone, but of course they cover all the EU	Renewals, changes of name etc. dealt with centrally along with rest of the International Registration. If an International Registration exists in any case, the cost of renewing the EU designation is less than to renew a directly filed EUTM
Preserving existing national rights	Not applicable	May be possible to preserve existing national rights in a designated country if the International Registration includes ALL the goods/services contained in the relevant national registration. If the conditions are fulfilled this happens automatically though it may be advisable also to have it recorded officially, though this will incur extra costs.	It may be possible to preserve some or all existing national rights in an EU country; if the EUTM does not contain all the goods/services in the national registration then only the overlapping goods/services can be preserved in the EUTM. Application has to be made to preserve earlier rights (claiming seniority); it does not happen automatically	It may be possible to preserve some or all existing national rights in an EU country; if the EU designation does not contain all the goods/services in the national registration then only the overlapping goods/services can be preserved in the EU designation. Application has to be made to preserve earlier rights (claiming seniority); it does not happen automatically
Splitting rights – Goods/services	May be possible (but may not be advisable)	May be possible (but may not be advisable)	Possible (but may not be advisable)	Possible (but may not be advisable)
Geographically	Not applicable	Possible	Not possible	Not possible – but could be converted into national designations, which can then be dealt with separately but this would involve considerable cost.