



Registering a pledge

Similarly to all other proceedings, an application has to be submitted to the Patent Office in order to establish a pledge on a trade mark. According to [subsection 50⁶\(1\) of the Trade Marks Act](#), an entry on a pledge is made on the basis of a written application by the proprietor of the trade mark or the pledge holder.

According to [subsection \(2\)](#) of the same section, a notarised agreement on the establishment of the pledge and information on payment of the state fee must be appended to the application. It is important that the proprietor of the trade mark or the pledge holder send together with the application the notarised agreement on the establishment of the pledge. The Patent Office will not enter into the register of trade marks and service marks a pledge with an agreement sent by a notary.

If the pledge holder renounces a pledge during its term of validity, the pledge holder must make a request together with a notarised application for renouncing the pledge.

It is important to emphasize that in order to amend or delete an entry concerning a registered pledge on the basis of an application by the proprietor of the trade mark, a notarised written consent of all persons whose registered right could be prejudiced by the amendment or deletion must be submitted to the Patent Office according to [subsection 50⁶\(8\) of the Trade Marks Act](#). Therefore, the Patent Office does not delete a registered pledge solely on the basis of an application by the proprietor of the trade mark.

The state fee concerning registration of a registered pledge is paid according to the full state fee rate provided in [Annex 2 to the State Fees Act](#). When registering a pledge agreement, **the transaction value is the amount of the pledge**.

Deleting an entry on a pledge from the register of trade and service marks is also done on the basis of an application in the Patent Office. The Patent Office **does not delete entries on registered pledges on its own initiative**. Therefore there have been cases where the term of validity of a pledge is over in terms of the calendar date but the entry on a pledge has not been deleted from the register and thus the trade mark cannot be transferred.

Was this information useful? * Yes

No

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