How to protect your trade mark via the European Union trade mark system

The European Union trade mark (EUTM) system offers trademark owners a unitary protection **throughout the European Union (EU)** with the filing of a single application. Legal protection will be valid also on the territory of Estonia. In case of extension of the EU, legal protection of the trade mark extends automatically to the new member states.

You can file your **EUTM application** with the European Union Intellectual Property Office (EUIPO) located in Alicante in Spain. E-filing is preferable, because it is cheaper and more convenient than paper application (information concerning the fees).

EUTMs should be in accordance with the same **requirements** described under the headings Which sign cannot be a trade mark and Earlier rights and searches, i.e. absolute and relative grounds for refusal of trade mark registration, which are provided in Regulation (EU) 2017/1001 of the European Parliament and the Council.

Unitary protection of an EU trade mark means that if the ground for refusal of the trade mark becomes apparent in any member state, the trade mark will not be registered at all. All rights valid earlier in the member states are considered as prior rights, including earlier national trade marks, the owners of which can contest registration of the EUTM. Searches concerning earlier marks can be performed in database TMView, which includes data from the EUIPO database and national databases of the member states of the EU. Besides that, many other countries not belonging to the EU have provided their databases for TMView.

Before filing the application it is important to thoroughly think through **the goods and services** for which protection will be required as after the acceptance of the application it is not possible to add any goods or services. The application fee depends on the number of classes of goods or services listed in the application. Assistance for the classification of goods and services can be found in the database TMclass.

A person having neither their domicile nor their principal place of business or a real and effective industrial or commercial establishment in the European Economic Area shall be represented before the EUIPO by **a professional representative**, except for filing an application for registration of a EUTM. The list of representatives is available in the database eSearch plus, where you can make searches for example according to their location (country or town).

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❍ No
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