



No time relevance for community trademark prioritization

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GRP Rainer Lawyers Tax Advisors, Cologne, Berlin, Bonn, Düsseldorf, Hamburg, Munich, Stuttgart, Frankfurt www.grprainer.com elaborate: In reference with a Spanish court, the European Court of Justice (ECJ) made a clear ruling on the 22.03.2012 (C - 190/10) that the term "registration day?•, according to article 27 of the Community trademark regulations (Gemeinschaftsmarkenverordnung GMV), isn't specific enough to determine the priority of a community trade mark. The hour and minute of the trade mark registration at the Office for harmonization of the internal market (Harmonisierungsamt für den Binnenmarkt - HABM) should be considered.

The ECJ explained in the judgment that this should still be valid, even if the national regulations for registration of the national brand takes into consideration the hour and the minute of submission. The protection of trademarks is to be understood as a dual-system on both the national and community trademark levels.

Consult a lawyer if you would like to protect a brand on national, European and international levels or would like to have checked if your brand is protected.

Depending on the brand's market establishment and brand identity strength it can be of substantial value. Brand rights can exist on national, European and international levels. Therefore, it is very important as the brand owner, especially at registration, to mark off the effective business territory.

An experienced lawyer will advise you regarding the brand registration, administer registered trademarks, and protect the brand owner's rights against injuries.

Trademark law in the Federal Republic of Germany is a component of the legislation that protects the labeling of products in commercial trade. Trademark law is part of the protection of intellectual property. A trademark can be a considerable asset depending on its popularity and strength of identification. Trademarks can be recognized on a national, European and international level. An effective protection of trademarks is becoming more and more important in times of globalization.

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Anlage: Bild

