

## Intellectual Property Update



### Changes to IPO Trade Mark fees and services, effective 1 October 2009

The Intellectual Property Office (IPO) is due to implement a number of changes to the application process for trade marks. The changes, which are outlined below, will come into effect on 1 October 2009.

#### **A: Changes to official fees**

The following changes to the IPO's official fees will apply:

1. There will be a £30 discount on the total trade mark registration fee, where an application is filed online.
2. The fee for requesting an extension of time where a deadline has been missed will increase from £50 to £100. This also applies to requests for an extension of time in tribunal proceedings.

#### **B: Series of Trade Marks**

The following changes will apply to applications for a series of marks made after 1 October 2009:

1. The number of marks in a series will be capped at 6.
2. There will be a fee of £50 for each mark in a series beyond the first two.
3. Where, upon examination, the IPO considers that there is not a valid series, marks must be deleted from the application until a valid series remains. If protection is required for the deleted marks, new applications must be filed.

#### **C: "Right Start" service**

The IPO has set up a new online service through which applicants can obtain an initial examination of their application upon payment of half of the total fees due for the application. In addition, the Right Start service allows applicants to discuss the application directly with a trade marks examiner, particularly in respect of any issues raised by the IPO as to the registrability of the mark and, if possible, agree a method for overcoming those issues.

The balance of the application fee only becomes payable only if you decide to continue with the application. The service therefore provides new applicants, and those with marks which may be borderline cases, the opportunity make an application without the risk of paying the full application fee up front for a mark which then falls at the first hurdle.

Please note that the discount for online applications does not apply to applications submitted through the Right Start Service.

**If you would like any further information on the content of this update, or other information on how to protect your intellectual property rights please do not hesitate to contact one of the intellectual property team.**

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Matthew Talbot

Matthew Talbot specialises in Intellectual Property litigation including disputes involving infringement of trade marks, copyright, design rights, patents and domain



names. He has made numerous UK and European trade mark applications on behalf of organisations wishing to protect their company names, trading names and branded products. He has successfully acted on behalf of claimants against Northern Foods, Kraft Foods plc, Nestle and Adams Childrenswear and in defending clients in cases brought by Adidas, Puma, Lacoste and Microsoft.

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Hannah Steggles trained with Howes Percival LLP and qualified into commercial litigation in 2005. Hannah specialises in Intellectual Property and has gained considerable experience in both contentious and non-contentious Intellectual Property matters.

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### Jenna Bruce

Jenna Bruce joined the Howes Percival Commercial Litigation team in 2008; having qualified as a solicitor in-house with ITV PLC. Jenna specialises in Intellectual Property litigation, and is experienced in both contentious and non-contentious matters.

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