

Filing and Prosecution: Overseas

This topic will have a slight British bias to it, but we will look at overseas applications in general so you should be able to apply this to applicants from any country.

The ways in which a British applicant can obtain trade mark protection abroad can basically be split as follows:

- International registrations obtained through the Madrid Protocol
- Overseas applications filed at the national or regional Trade Marks Offices of other countries or regions

Given the commercial importance of the European Union, the United States of America and China, you will cover these regional (in the case of the EU) and national systems separately on this course.

It is important to treat these as complementary subjects as there are advantages and disadvantages that are taken into account in filing programs using different routes to obtain trade mark protection overseas: national, regional and International. Of course, EU Trade Marks, other regional trade marks and Madrid Protocol trade marks are not available for many countries in the world.

As there are roughly 200 trade mark jurisdictions around the world, we will take a general look along this structure:

- Who may apply?
- Languages
- Types of marks available
- Classification
- Priority
- Forms and fees
- Examination, procedure and appeal
- Registration, duration, use requirements and marking

Who may apply?

This will vary on a country-by-country basis. Applicants can be individuals, partnerships and corporate bodies. They may have different nationalities or states of incorporation.

In some countries, filing in the name of a partnership would mean listing the names of all the partners.

There are not many restrictions to file overseas applications for British companies. Those from the likes of the Cayman Islands and the Channel Islands can face more difficulties. Israeli applicants are restricted from filing in much of the Middle East.

In some countries, there must be use of the mark or a true intention to use the trade mark to be able to file an application. This can be claimed in the application. An example is India.

Requirement for a “home” registration

In some countries it is necessary to have a “home” registration. For a British applicant this would be a UK registration. For a German applicant this would be either a German or EU registration as Germany is in the EU. For a Japanese applicant this would need to be a Japanese registration. An example of a country that requires a “home” registration is Nepal.

Often in the absence of a “home” registration it is possible to substitute this with a registration from another country and/or suitable declarations or other documents, although this could add time and expense to the process. Conversely, sometimes a Trade Marks Office will not enforce this requirement.

“Dependent” jurisdictions

Some countries are “dependent” jurisdictions and require that the applicant has a registration in another specific country to obtain registration.

Most are United Kingdom “dependent” jurisdictions and require a UK national registration to be able to file locally. It does not matter where the applicant is from (e.g. the UK, Germany, Japan or anywhere else), it must have a UK **National** registration. (There are a few exceptions as detailed below.)

The following are UK dependent jurisdictions:

Jurisdiction	Notes
Gibraltar	Additionally, as of 1 January 2021, International Registrations designating the UK <u>automatically</u> cover Gibraltar as do Comparable UK registrations – notwithstanding this, you can apply to register them locally in Gibraltar
Jersey	Additionally, EU registrations and International Registrations designating the UK <u>automatically</u> cover Jersey
Kiribati	
St Helena	
Solomon Islands	
Tuvalu	

“UK dependent” applications are alternatively referred to as “UK based” applications or “UK extension” applications.

In the following jurisdictions the option exists to base a local application on a UK registration, but it is not mandatory to do so, i.e. applications can be filed even if a UK registration is not owned. Applications filed without a UK dependency are usually called “substantive applications” or “local applications”.

Jurisdiction	Notes
Anguilla	
Fiji ⁶	
Guyana	
Montserrat	

The benefit of basing an application on a UK registration in these countries is that registration is often obtained more quickly. This is because the applications are not substantively examined.

It is necessary to provide a Certified Copy of the registration for dependent applications.

The US Virgin Islands ("USVI") is a United States "dependent" jurisdiction. Any applicant, including one from the UK, would require a certified copy of a United States Federal registration to file locally here. In Guam and Puerto Rico, the option exists to base a local application on a US Federal registration.

French "dependency"

There is a tick-box option on a French National Trade Mark Application form to also include:

- French Polynesia

The regular application (without ticking this box) covers only metropolitan (mainland) France and other overseas French departments, territories and collectivities.

"Dependency" in other countries

Most other countries provide that their trade marks cover all their outlying territories automatically and without any possibility or need to file applications locally, such as:

Australia: registrations cover Christmas Island, Norfolk Island

Denmark: registrations cover the Faroe Islands and Greenland (although EU trade marks do not and the situation is a bit more complicated with International Registrations)

France: registrations cover French Guiana, Martinique, New Caledonia (EU trade marks cover some but not all of France's overseas possessions) (for French Polynesia, see above)

Portugal: registrations cover Azores and Madeira

Spain: registrations cover the Canary Islands

This list is not exhaustive

For the UK's overseas territories, legislation must be passed to allow for automatic protection. This has happened for the British Indian Ocean Territory, the Falkland Islands and South Georgia and the South Sandwich Islands. Cypriot trade mark law applies in the Sovereign Base Areas of Akrotiri and Dhekelia although these remain British territories.

In other countries, autonomous or external regions are not covered by a national registration in the main country. In some of these, local substantive trade mark laws are in place:

- In **Hong Kong** and **Macao** (Special Administrative Regions of China)

⁶ New Trade Marks Act awaiting implementation, which will remove this option

- In **Aruba, Curaçao** and **Sint Maarten** (constituent countries of the Kingdom of the Netherlands)
- In **Bonaire, Sint Eustatius and Saba** (special municipalities of the Netherlands) (N.B. this is one jurisdiction – alternatively referred to as the Caribbean Netherlands or the BES Islands)
- In **Bermuda**, the **British Virgin Islands** and the **Cayman Islands** (overseas territories of the United Kingdom)
- In **Guernsey** (Crown dependency of the United Kingdom)

Local agent

Most countries have a requirement that a local agent is appointed in their country if you are not from that country.

In some countries this must be someone with certain qualifications such as a lawyer. You may have noticed most of your agents in Latin America are “abogados”, which is Spanish for “lawyers”.

In other countries this must be someone or a firm registered to act before the Trade Marks Office (often on the basis of qualifications).

In some countries just an Address for Service is required (i.e. an address in that country that the Trade Marks Office can correspond with).

Languages

Applications will need to be filed in an official language of the country. The local agent will normally arrange for the necessary translation from instructions in English into the local language.

For some countries the language of commerce remains the language of a former colonial power and applications will be filed in this language and not an indigenous language, notably English or French in Africa and Spanish in Latin America.

Some countries have multiple languages. For example, Switzerland has three languages: French, German and Italian⁷. Unless you make a specific request, it would largely depend on what city your agent is in as to which language they will file an application in.

Types of mark available

Word marks should be available in all countries.

In countries that use a different alphabet or script from Latin script, consideration should be made to filing a transliteration (or sometimes a translation) in the local script e.g. Chinese, Japanese, Korean, Cyrillic.

Device marks (logos/figurative marks) alone or in combination with words should be available in all countries.

⁷ Switzerland's fourth official language, Romansch, should be available as a filing language for local speakers of this language.

Slogans may be more difficult to register. In some South American countries, slogans have to be linked to and be dependent on a 'house' mark of the applicant.

In terms of non-traditional trade marks such as 3-dimensional marks, sounds, smells, etc. you should check that these are available as they may not be in some countries.

Types of mark available

These will vary on a country-by-country basis depending on the law. You can check with a local agent, if necessary.

- 'Standard' trade marks – definitions of this will be similar to that contained in the UK Trade Marks Act although many countries may still require a mark to be represented graphically
- These can be for goods (products) or services, but service marks are not always available
- Service marks cover International Classes 35-45
- Most countries now have service marks, but exceptions are the Bahamas, Fiji⁸, Kiribati, Northern Cyprus, Suriname and Zambia⁹
- Certification marks – definition will be similar to that provided in previous session (sometimes referred to as Quality marks)
- Collective marks – definition will be similar to that provided in previous session (sometimes referred to as Association marks)
- Series marks – definition will be similar to that provided in previous session. These tend to be available in other countries with similar trade mark legislation to the UK, e.g. in the Commonwealth
- Defensive marks

Defensive marks

This provides a general definition of Defensive marks:

Marks that have become so well known for certain goods/services that their use in connection with other goods/services would be likely to indicate a relationship between those goods/services and the original owner of the trade mark may, (in some countries), be registered as Defensive Marks.

Effectively, these block the Register and cannot be cancelled on the grounds of non-use. They are not available in many countries, but some examples are the British Virgin Islands, Hong Kong, Japan and Namibia.

⁸ New Trade Marks Act awaiting implementation, which will change this

⁹ New Trade Marks Bill recently put out to public consultation, which will change this

Cautionary Notices

In some countries without trade mark legislation a practice has evolved of putting third parties on notice of trade mark rights by publishing them in local newspapers. These are called Cautionary Notices.

Because of the lack of legislation, some practitioners question the value of Cautionary Notices. Note that all you will receive is a clipping of the advertisement in the local newspaper(s) i.e. filing receipts and Certificates of Registration are not issued.

Jurisdiction	Notes
Cook Islands	
Eritrea	The Government owns the press and often prohibits Cautionary Notice publications.
Maldives	Does not permit publication of Cautionary Notices for “alcoholic beverages”.
Marshall Islands	
Micronesia (Federated States of)	
Palau	
Somaliland	<i>De facto</i> independent of Somalia.
Timor-Leste	Also known as East Timor. Formerly a Portuguese “dependent” jurisdiction until Portugal withdrew in the 1970s. However, there was never a local Trade Marks Office; registration was obtained in Lisbon.

To be effective, it is considered advisable to re-publish Cautionary Notices at regular intervals. Re-publication periods of two, three and five years are most common. Re-publications are often handled like renewals, although it is possible to change a re-published Cautionary Notice (e.g. specification of goods, trade mark, owner).



Example of a Cautionary Notice:

Classification

Most countries have adopted the International Classification system, or one very similar to it (some countries may not be using the latest version of the International Classification). A few jurisdictions use a different classification.

In countries without service marks, it was typical for trade mark owners to often register in International Class 16 for “printed matter” on the basis their services are advertised in leaflets, etc. Class 9 is another alternative these days for electronic media.

Even when publishing Cautionary Notices, despite the fact there is no trade mark legislation and therefore no reason to use classification, it is quite common to follow the International Classification.

Some countries require a separate application for each class of goods or services (single class countries), whereas others have a multi-class system like the UK. A list with some important countries follows.

Countries using a multi-class system usually (but not always) charge a smaller official fee for each additional class beyond the first.

In Iraq and Kurdistan Region the classes are sub-divided, and each sub-class attracts an official fee. This classification still follows along the lines of the International Classification, although be wary that filing for a Class heading could increase costs unnecessarily if the whole Class is not really required.

For example, Class 25 (“Clothing, footwear, headwear”) is sub-classified as follows:

- a) Head wear.
- b) Clothing (outer and new).
- c) Clothing (inner and new).
- d) Used (second hand) clothing.
- e) Shoes and stockings.
- f) Socks and stockings.

In some Islamic countries (e.g. Saudi Arabia, the United Arab Emirates) it is not permitted to register for “alcoholic beverages” in Classes 32 or 33, “pork meat” in Class 29, “bar/nightclub services” in Class 43 or “gambling” in Class 41.

The former British classification system (sometimes referred to as “Schedule III”) is used in the Bahamas and Fiji¹⁰. This classification is very archaic. The Trade Marks Act 1938 replaced it with the International Classification in the UK. Note that this classification makes no specific provision for service marks.

¹⁰ New Trade Marks Act awaiting implementation, which will see International Classification adopted

CLASSIFICATION TABLE (SELECT COUNTRIES)

Country	Single or Multi-Class?	Notes
<i>Argentina</i>	<i>Single</i>	
Australia	Multi	
<i>Brazil</i> ¹¹	<i>Single</i>	
Canada	Multi	
France	Multi	
Germany	Multi	
Hong Kong	Multi	
India	Multi	
Israel	Multi	
Japan	Multi	
Malaysia	Multi	
<i>Mexico</i>	<i>Single</i>	
New Zealand	Multi	
<i>Nigeria</i>	<i>Single</i>	
Norway	Multi	
Philippines	Multi	
Russia	Multi	
<i>Saudi Arabia</i>	<i>Single</i>	<i>No Class 33.</i>
Singapore	Multi	
<i>South Africa</i>	<i>Single</i>	
South Korea	Multi	
Spain	Multi	
Switzerland	Multi	
Taiwan	Multi	
Turkey	Multi	
<i>United Arab Emirates</i>	<i>Single</i>	<i>No Class 33.</i>

Priority

In most countries it is possible to claim priority under the Paris Convention. For most countries this needs to be done at filing and cannot be claimed subsequently.

Even countries that have not signed up to the Paris Convention often allow priority claims:

- Based on Article 2.1. WTO-TRIPS-Agreement; or
- Based on a bilateral arrangement; or
- By having priority enshrined in their law despite not being Paris Convention members

WTO is the **World Trade Organization** and TRIPS stands for the **Agreement of Trade Related Aspects of Intellectual Property Rights**.

As for bilateral arrangements, many countries have these with Taiwan, and this allows for reciprocity to claim priority. Another example is Andorra, which has in place a bilateral agreement with the European Union. As such, it is possible to file an application in Andorra and claim priority from an EU application, and vice-versa.

Kosovo is a good example of a jurisdiction where priority claims are accepted but it is not a member of UN bodies such as WIPO and the WTO.

¹¹ There have been technical problems in introducing a multi-class system in Brazil

Please note that even if a country is a member of the Paris Convention, they might not have amended their local legislation to allow for priority claims. It does not necessarily mean priority claims cannot be made, but if they were ever to be tested in court then they could be found to be invalid.

Priority applications must be filed within six months of filing the first filed applications. Details will need to be provided of the application number, filing date and country of first filing.

Australia, Canada and Hong Kong, as examples, do not normally require proof of the priority application to be filed, but many other countries require a Certified Copy of the first filing.

Obtaining a Certified Copy of a UK application, if this is the first filing (which it commonly would be for a UK business) involves the filing of Form TM31R and payment of a fee of £20 for each Certified Copy. You should be familiar with how to complete this form.

Forms

Application forms are normally prepared, signed and filed by local agents. Sometimes the applicant will be requested to sign, for example, Nepal. It can depend on the agent. Some might be reluctant to sign documents on behalf of applicants, particularly those they do not know very well and where they are not sure the contents of the application are true and correct.

There is a trend in many countries to encourage on-line filings as this can speed up the registration process, helps to avoid errors and results in the filing receipt being issued immediately on screen or by e-mail.

It is sometimes a requirement to submit a Power of Attorney. This is a document signed by the applicant authorising the local agent to act on their behalf. They can alternatively be called Authorisations of Agent. In many countries, we need only provide one Power of Attorney which can be recorded as a General Power of Attorney and avoids the need to provide additional Powers of Attorney for future cases.

Some Powers of Attorney require notarisation and legalisation, which will be talked about separately.

Other documents

Other documentation might be required to substantiate the filing of a trade mark application such as a Certificate of Incorporation (otherwise known as an Extract of the Commercial Register). This is to prove a company's existence. For a company incorporated in England and Wales, this would be obtained from Companies House in Cardiff:

<https://www.gov.uk/guidance/order-certified-copies-and-certificates-from-companies-house>.

Included on the next page is a fictitious example of an instruction letter to an agent to file a trade mark application in an overseas country. In practice, e-mail templates/instructions are common these days.

If you are not familiar with instructing overseas applications, you may see the letter contains the same kind of information as would be populated into an online TM3 when filing a UK trade mark application.

(Draft Instruction letter to file a new trade mark application)

**Marks, Designs & Domains LLP
25 Trafalgar Square
London
WC2N 1TM**

12 October 2023

Schwiizer Markenwlte AG
Rotblaustrasse 93
CH-1893 Basel
Switzerland

Dear Sirs

New Trade Mark Application in Switzerland

Please prepare and file a new trade mark application in your country in accordance with the following instructions:

Applicant: Lucky Brands Limited, a company organised and existing under the laws of England and Wales of Zurich House, 13 Gillespie Road, London, N5 0PT

Trade Mark: UGLY GRASSHOPPER

Specification: Class 18: Handbags.

Priority: United Kingdom Application No. UK0003787914 of 11 August 2023

Documents: Power of Attorney – to follow

Priority document – to follow

Notes: Please advise if you require any further information or documents.

We look forward to receiving your filing report and invoice shortly.

Kindly acknowledge safe receipt of these instructions by return.

Yours faithfully

Marks, Designs & Domains LLP

Fees

Official fees are variable per country and local agents will make a charge. Most agents will charge in US dollars or Euros, unless they are from a country with a stable currency e.g. Japanese Yen, Swiss franc.

Those countries that have an on-line filing facility often charge less for on-line applications than those that are paper filed.

Be careful with long specifications as these might attract additional official fees in countries such as India and Thailand.

Some agents will request upfront payment and you will need to liaise with your accounts team to ensure payment is made promptly to avoid delays in obtaining a filing date. Occasionally, the payment needs to go direct to the Trade Marks Office. This requirement can be problematic for many firms (because of internal bureaucracies/delays in paying invoices) and can create a need to find agents who do not require upfront payment (perhaps an intermediary agent who can do this work for you).

Clients are often budget conscious so be aware there could be a need to get cost quotes to them. Clients should also be made aware that additional costs could be incurred during the prosecution and registration of their mark. Prosecution is a word we use between an application being filed and it maturing to registration. This includes the examination stage.

Examination

Different countries have different examination criteria. Some examine for formalities only i.e. to check the correct documents have been filed and the correct fees have been paid. These can be referred to as "Deposit Registries". For example, UK dependent applications are largely examined on this basis.

Many will check that a specification is clear and classified correctly. Such objections can typically be overcome by rewording the specification. Some countries will expect specifications to be more precise than the practice in the UK.

Others examine marks to check there is nothing inherent in the mark itself which prohibits registration e.g. are they non-distinctive, descriptive or immoral? This is collectively known as absolute grounds (like the examination criteria of the UKIPO).

Like the UK, many countries treat a mark as a whole (i.e. don't break down its individual elements) and so disclaimers are not ordinarily required, but some countries do require disclaimers. An example, if we tried to register SMIRNOFF VODKA in respect of "vodka", we may be asked for a disclaimer such as:

No claim is made to the exclusive right to use "VODKA" apart from the mark as shown.

Some countries examine on the basis of prior rights, otherwise known as relative grounds. The UKIPO used to examine for relative grounds up to October 2007, the legacy of this being the searches Examiners undertake and notifications issued to owners of prior rights.

Relative grounds examination

Examination on the basis of prior rights means the Trade Marks Office will check the Register for any earlier marks for identical or similar goods/services which it deems identical or similar to your application. If it finds any it will cite them against your application in an examination report. They are referred to as citations.

Citations can be argued against (like other objections can). It could be that a citation is unjustified because the cited mark is not so similar to your application. We sometimes have cases where marks owned by the same company are cited: an obvious error. The examiner may waive the citation if they give it further thought based on your arguments.

Alternatively, you may approach the owner of the cited mark for a Letter of Consent. This is basically a statement on the owner's letterhead saying that they do not object to the registration of your application. A simple example of a Letter of Consent is included here (although they can be more complicated/detailed):

(to be executed on the letterhead of ABC Limited)

LETTER OF CONSENT

We, **ABC Limited**, as proprietors of the trade mark number 90327 **BLAH BLAH BLAH** hereby declare that we consent to the registration in Singapore of the trade mark number 115674 **BLUR BLUR BLUR** in the name of **XYZ Limited** in respect of “Wines and spirits” in International Class 33.

Signed: _____

12 October 2023

ABC LIMITED

Letters of Consent are not accepted in some countries and can be at the discretion of an Examiner. This leaves an additional two options.

Firstly, to request assignment of a cited mark (i.e. buy it and transfer the cited mark into the ownership of the applicant) either partially (for just a certain part of the specification of goods/services that forms the basis of the citation) or in full as marks in the same ownership should not be cited against one another.

Secondly, to apply to cancel the cited mark either partially (for just a certain part of the specification of goods/services) or in full. Generally-speaking, this can only happen if the cited mark is vulnerable to cancellation on the grounds of non-use. (Assignments and Cancellations will be covered later.)

In conclusion, there are four ways to typically overcome a citation:

1. Successfully argue that the mark and/or goods/services covered by the citation are not similar to our application mark [this could include restricting the goods/services in your application to help avoid overlap]; or
2. Obtain a Letter of Consent from the owner of the citation; or
3. Purchase and then assign ownership of the citation to the applicant; or
4. Apply to cancel the citation (usually if it is vulnerable to cancellation/revocation on the grounds of non-use).

Appeal

Ultimately, if you cannot overcome any objections raised during examination of your application, in most countries it is possible to appeal against a final rejection.

Appeal bodies vary. There might be an appellate division of the Intellectual Property Office. If an appeal must be filed at a court, then costs are likely to be high. The local agent should be able to advise the chances of success in any appeal and this should help determine if an appeal is worthwhile.

Publication and registration fees

Assuming examination of a mark is clear (or issues are overcome) then most countries provide for an opposition procedure where an application is advertised so third parties can oppose/object to it if they feel they have grounds to do so. (Opposition is covered in a later presentation.)

Most countries that provide an opposition period, like the UK, advertise marks after examination and prior to registration.

In Spain and most of Latin America, publication takes place after formalities and classification examination but prior to substantive examination. Then any oppositions filed can be examined alongside the regular examination of the application.

In some countries, publication occurs after the mark has been registered and the Certificate has issued. The registration is therefore cancelled if an opposition is successful.

Jurisdictions with a post-registration opposition procedure: **Denmark, Finland, Germany, Iceland, Japan, Norway, Sweden and Switzerland.**

In some countries there are fees due for publication (although often these are included in the initial filing charges).

In some countries, registration fees are also due to obtain the Certificate of Registration (assuming the mark is not rejected/opposed, or it overcomes any problems). Some agents will pay these automatically, but others will require explicit instructions. There are usually deadlines (normally non-extendable) so diligence is important so that agents are instructed in good time.

Certificate of Registration

The Certificate of Registration will then issue. Check the details and obtain an English translation, if required, although many agents will provide this anyway. It is good practice to check the renewal date in the agent's letter and the Certificate.

Some renewal dates are calculated from the application date, some from a (later) registration date. If priority is claimed then in a few countries the renewal date will be calculated from this date.

Dependent registrations take the same renewal date as their base registration.

Most countries give registrations 10-year terms, but not all. Some countries have laws based on archaic UK legislation that provide for seven or 14-year terms.

Lebanon and **Venezuela** have 15-year terms.

Saudi Arabia gives registrations 10-year terms, but according to the Hijri (lunar) calendar. This calendar year is between 10 and 12 days shorter than the Gregorian calendar so dates can become out of sync. If your database automatically calculates renewal dates, it may calculate Saudi dates wrong and you will need to manually amend them.

Some countries have additional maintenance requirements (more to come in the Renewals and Maintenance subject).

Ensure your database is correctly updated with the registration details and the next maintenance dates are docketed. Although many agents will send out renewal reminders most do not shoulder a responsibility to do so.

Use requirements

Registrations in most countries are vulnerable to cancellation on the grounds of non-use if they are not used for a certain period of time. This period of time varies. Non-use periods of three or five years are most common.

Always check with the local agent for the correct non-use period especially if you are worried about non-use and may want to consider re-filing (if possible) around the time the non-use period expires. There is no real global norm and some countries have no use requirement.

Marking

® is recognised generally around the world, but it is usually an offence to use on an unregistered trade mark. Local language marking can be preferred, e.g.:

French: *Marque Déposée*

Spanish: *Marca Registrada* or *M.R.*

Failure to mark correctly in some countries means the owner is prevented from obtaining damages in any infringement case. In other countries, it is purely optional. Check with the agent if necessary.

Intergovernmental jurisdictions – regional systems

1) Benelux

This jurisdiction covers three countries. Its name is taken from their first letters:

BE	NE	LUX
<u>Belgium</u>	<u>Netherlands</u>	<u>Luxembourg</u>

Like the EU trade mark, they are unitary rights i.e. they cover all countries and you do not get to choose. These countries no longer maintain their own national Trade Marks Registers so we therefore tend to treat Benelux like a national jurisdiction. An EU trade mark also covers all of these countries as members of the EU.

2) OAPI

OAPI stands for *Organisation Africaine de la Propriété Intellectuelle* (in English: African Intellectual Property Organization). It is alternatively referred to as AIPO or the African Union (the latter is politically misleading though).

It covers 17 predominantly francophone countries of mostly Central and West Africa. As another unitary right it is generally treated like a national jurisdiction.

The members of **OAPI** are:

Benin	Gabon
Burkina Faso	Guinea
Cameroon	Guinea-Bissau
Central African Republic	Mali
Chad	Mauritania
Comoros	Niger
Congo	Senegal
Côte d'Ivoire (Ivory Coast)	Togo
Equatorial Guinea	

3) ARIPO

ARIPO stands for the African Regional Intellectual Property Organization. It works like the Madrid system in that you designate your chosen countries, but it has deficiencies and is not used much. Please just be aware that it exists so as not to confuse it with OAPI.

4) Eurasian Economic Union

A Eurasian Economic Union trade mark is to become available covering Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia.

Reference

There are specialist reference books – available in printed and electronic format – that contain information of the filing and registration processes for countries around the world. Trade mark databases often contain law files/rules for jurisdictions.

You can also refer to IP Office/agent websites and keep up to date by reading newsletters, blogs, social media, etc. and retaining information in an easy to find place for future reference. Just be sure that the information you have is current as reference books and websites can become out-of-date. If in doubt, get in touch with agents.

Activities

1. DON'T DO THIS WITH LAST YEAR'S PAPER IF YOU WANT TO USE IT AS A MOCK EXAM LATER!

Go through a previous year's exam paper and identify any questions that relate to 'Filing and Prosecution – Overseas'.

Answer any relevant questions, referring to your notes if you need to. At this stage, don't worry how long it may take you, concern yourself with getting the right answers.

2. Take three countries, say, the last three countries you went on holiday to, or three countries that come up in the news in the coming days. Write down if they are single class or multi-class countries, referring to your notes if necessary. If they are not in your notes, try to research them on the internet.
3. Name a couple of countries that have a post-registration opposition procedure. Refer to your notes if necessary. Think of some of the wealthiest European countries or ones you may associate with the Winter Olympics (as many of them are) – try and make links like this if it helps your memory.
4. Go on to the Trade mark forms and fees section of the UKIPO's website and prepare a Form TM31R for UK Registration No. UK00002523105. (This UK registration has a dependent registration in Jersey.)