

Early trade mark examination and registration of straightforward applications

The length of time required for registering a national trade mark application is usually between four and five months from the time of payment of the filing fee. From the point of view of the trade mark applicant, however, this situation is particularly unsatisfactory if there are no apparent grounds for refusal of the registration.

In order to make allowances for this fact, the IPI examines straightforward applications within a maximum of 6 working days following filing and registers the trade mark after payment of both the filing fee and any necessary additional class fees. However, only applications whose list of goods and services consist for the most part of terms accepted by the IPI's [e-trademark](#) ("Standard classes" or "Search help") and/or the [classification tool](#) are eligible for an early trade mark examination. "For the most part" here means that at most three terms are not in conformity with the database, a term being the complete designation of a product or service (e.g. "tool chests of metal, empty").

For the examination of these applications, the examiners have a very narrow timeframe within which they have to consult a specific selection of databases. The sign can be registered if, within the specified time period:

- no formal grounds for refusal can be ascertained;
- no relevant results in the databases can be found;
- the graphic used or the figurative element of the sign makes it distinctive.

Due to the very narrow timeframe, applications for the registration of collective, certification and geographical marks as well as applications for a trademark with acquired distinctiveness through use are examined according to ordinary trade mark examination procedures from the outset.

If a request is made for an expedited examination and the sign can be registered as a trade mark under the requirements of an early trade mark examination, the express fee will be waived. Applications, which are assessed as not being eligible for registration within the defined timeframe, are examined according to the ordinary or expedited ("Express") trade mark examination procedure respectively.