Carrying out a search yourself

We register your trade mark if it is distinctive, not deceptive and doesn't breach public policy or public morality. In the registration procedure, we don't examine to see whether your trade mark infringes the rights of others, i.e. older trade marks, company names or domain names. You must check this before the examination by searching yourself or engaging someone to do it for you, such as the IPI or other service providers.

Infringing the rights of others can result in a partial or complete cancellation of your trade mark, and in some circumstances, can lead to heavy costs (i.e. opposition proceedings, potential damages and expensive civil proceedings). As a third party can initiate civil proceedings long after a trade mark has been registered, you may also possibly lose advertising outlay and other investments made in your trade mark.

Therefore, carry out a search before applying to register your trade mark. We recommend carrying out a similarity search to see whether any trade marks that have already been registered or submitted in a trade mark application may be confused with yours (i.e. are similar or even identical) This applies not only to word marks but also to figurative marks or combinations of word and figurative marks. For a reliable evaluation of whether your trade mark could come into conflict with existing signs, it's best to contact a trade mark consultant.

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