

Clearance searching in Europe and the UK

What can be searched?

Trade marks which consist of letters, words, devices and numbers can and should be searched. Searches can also be conducted for shape and colour marks and these would also review the Community Design register.

What type of searches can be conducted?

Various levels of searching can be undertaken, including:

- Identical Searches – these are ‘toe in the water’ searches to check for any identical marks for identical goods/services to those searched which already exist on the relevant registers. Identical Searches can be conducted for the translation of dictionary works in the main official languages of the EU. **Identical Searches are not available for device elements.**
- Register Searches – these are comprehensive searches for identical/similar marks covering identical/similar goods and services to those searched which already exist on the relevant registers.
- Common Law Searches – these are searches conducted to check for any third parties which may be using an identical or highly similar mark to that searched on identical goods/services, who may not have applied to register the mark. Such searches usually search for internet references, domain names and company names.
- Language Specific Searches – local dictionaries, slang dictionaries and colloquialisms should be considered to ensure the proposed mark does not have an unfortunate meaning in a local language.

Where should I search?

Searches should be conducted in all countries where a company intends to use/register its trade mark, or if too costly, certainly in the core markets.

Are searches mandatory?

Searches are not mandatory but are advisable. Some EU countries give greater weight to unregistered rights or company names (UK, Eire, Spain and Sweden for example) and so conducting common law searches in these territories should be given greater weight. We will work with you to create a searching strategy that is right for the applicant. This could include different levels of searching in individual EU member states to take account of the local laws.

What are the costs involved with searching?

The cost of conducting searches varies between countries and costs also depend on the number of classes of goods/services searched and the turnaround timeframe. We can provide costings on request for the search and/or the search and analysis.