



# European Union Fast Track Applications & Harmonized Database

## What is a Fast Track application?

Fast Track applications require descriptions of goods and services to be selected from a database of terms which the EUIPO (and all IP office in the EU) has accepted. This database is known as the Harmonised Database (HDB).

By selecting pre-defined acceptable terms, the examination procedure time is reduced because the specification does not need to be reviewed for accuracy by the Examiner. In addition, pre-defined acceptable terms have already been translated into all other EU languages which reduces the time frame from acceptance to publication. Fast Track applications can complete registration in as little as four to five months.

## What is a Fast Track application?

There are two main criteria that the application needs to meet:

1. The description of goods and services must contain pre-defined acceptable terms collated through the Harmonised Database (HDB). All pre-defined terms have been approved by the EUIPO.
2. The filing fees must be paid at the time of filing.

## Why use Barker Brettell LLP

*At Barker Brettell LLP all our trade mark attorneys have many years' experience in preparing and filing trade mark applications including dealing with trade mark offices around the world. We will use our experience to provide you with the broadest trade mark protection we can, in order to create a sphere of protection around your trade mark which would be difficult for a third party to successfully break.*

*We can advise you more these issues, as well as any of the other aspects of intellectual property as Barker Brettell LLP offers a full range of intellectual property services and we are always happy to take the time to tailor our services to your needs.*

To be eligible, the trade mark must be either a word / logo / shape / sound mark. If your trade mark is in colour then you must select the colours claimed from the EU IPO's Fast Track form. Custom colours cannot be claimed.

In order to qualify as Fast Track, national and/or European searches cannot be requested as part of the process.

## **What is the Harmonised Database?**

The HDB sets out a list of all of the terms which the EUIPO finds to be acceptable for specification purposes.

If you select a term from the HDB then this will automatically be accepted by the EUIPO when the application is examined. Selecting a term from the HDB also means that the term will have already been translated into all other EU languages (except Irish). This allows the application to be processed much more quickly and efficiently by the EUIPO.

## **What are the differences between Fast Track and regular applications?**

The main difference is Fast Track applications are published in half the time or less compared to regular applications. This is because the classification does not need to be examined in detail – thus saving time at examination. In addition, when an EU application is published the description of goods/services is published in every EU language. As all pre-defined acceptable terms within the description of goods/services have already been translated, the time it takes to set a Fast Track application in order for publication is reduced – even for lengthy descriptions!

In the case of regular applications, the examination process can be more lengthy because the description of goods/services must be reviewed for accuracy and correct classification and queries are often raised through office actions.

However, if an objection is raised by the examiner against the mark itself, for example if the mark is held to not be distinctive or to be descriptive, then a Fast Track application will no longer be able to be accelerated through examination. In these circumstances the Fast Track conditions are lost.

Although using the HDB is useful tool for efficiency and speed, it may not be suitable for everyone. If you have very specific or unusual goods/services then they may not be listed in the HDB. We can advise you on whether or not the Fast Track process is right for you.

## How we can help

Historically, approaches to descriptions of goods and services within Europe, especially Continental Europe, have varied widely. Some practices have also been affected by law changes.

Our own approach has always been to anticipate such changes and to provide advice that enables clients to obtain the best protection with minimal risk. Our own systems and experience also enable us to help advise bespoke lists of goods and services based on other terms acceptable to the EUIPO (or similar).

We have many years' experience and are always happy to provide input and guidance on application and filing strategies.