

NEWEST AND ACTUAL BASIC POINTS REGARDING THE LEGAL REGULATION OF EU TRADEMARKS

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Abstract

This article is aimed to present the actual legal framework in the field of European Union trade mark /EU trademark: European Union trade mark Regulations 2017/1001, 2018/625, 2018/626 and Directive 2015/2436.

The European legislation is fully synchronized with the international legislation in intellectual property /IP/ field regarding trademarks: Paris Convention for the protection of industrial property. 1883. Nice agreement concerning the International classification of goods and service, 1957, Agreement of trade related aspects of IP rights, 1994 and many additional normative acts in this legal area.

The focus of this article is to identify and clarify EU trade mark as a legal phenomenon and to present EU trade mark as an effective legal instrument for obtaining exclusive rights for signs economically significant for natural and legal entities for a wide territory – 28 EC countries following the structure: introduction, definition and types of EU trade marks, the most important requirements for registration and main effect of this registration.

The final part presents the economic and administrative effects of the registered EU trade mark.

Key words: EU trade mark, intellectual property rights

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INTRODUCTION

Actual legal framework in the field of EU trademarks are the following: European Union trade mark Regulation 2017/1001, Regulation 2018/625, Regulation 2018/626 and Directive 2015/2436.

The European legislation is fully synchronized with main international legislation: Paris Convention for the protection of industrial property. 1883. Nice agreement concerning the International classification of goods and service, 1957, Agreement of trade related aspects of IP rights, 1994 and many additional normative acts in this legal area.

The purpose of this article is to identify and clarify EU trade mark as a legal phenomenon and to present EU trade mark as an effective legal instrument for obtaining exclusive rights for a sign economically significant for natural and legal entities for a wide territory – 28 EC countries following the structure: introduction, definition and types of EU trade marks, the most important requirements for registration and main effect of this registration.

MAIN BODY

I – TERM ‘EU TRADE MARK’

The legal framework for EU trademark /known as CTM – Community trade mark and EC mark/ includes many normative acts main of them and basic for this study is European Union trade mark Regulation 2017/1001¹.

Generally speaking a **trade mark** is: a **distinctive sign**, which **identifies** certain **goods or services**. As those **producers** or **providers**. TM is a sign for business identification and differentiation. Specifics for EU trademarks are:

1. A trade mark for goods or services which is registered in accordance with the **conditions contained in this Regulation** and in the manner herein provided is hereinafter referred to as a ‘European Union trade mark (“EU trade mark”)’.
2. An EU trade mark shall have an **unitary character**. It shall have equal effect throughout the European Union: it shall not be registered, transferred or surrendered or be the subject of a decision revoking the rights of the proprietor or declaring it invalid, nor shall its use be prohibited, save in respect of the whole Union. This principle shall apply unless otherwise provided for in this Regulation.

¹ <https://eur-lex.europa.eu>

II- DEFINITION AND TYPES OF EU TRADEMARKS

An EU trade mark may consist of any signs, in particular words, including personal names, or designs, letters, numerals, colors, the shape of goods or of the packaging of goods, or sounds, provided that such signs are capable of:

- distinguishing the goods or services of one undertaking from those of other undertakings; and-being represented on the Register of European Union trade marks ('the Register'), in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor.

The legal basis for the new EU trademark regulation is: Regulation (EU) No 2015/2424 of the European Parliament and of the Council amending the Regulation on the Community trade mark, known as the "amending regulation" in the specialized circles.

In line with business digitization, the development of the trademark law systems in EU Member States and the need to synchronize national laws, the amending Regulation contains provisions that were launched on 1 October 2017, introducing changes to three main areas.

- I. Presentation of the mark applied for as a Community trade mark As of October 1, 2017, the **requirement for a graphic representation of the sign** applied for as an EU trade mark **is no longer in force**. Signs may be presented in any appropriate form through available technologies so that the presentation is clear, accurate, legible, durable and objective. The principle is "protection for the sign that is visible".
- II. The regulation introduces **specific requirements for the presentation of some of the most common marks**. The following list contains the most common types of brands, their definition, presentation requirement, description requirements, examples and EUIPO application form for the trademark application, effective from 1 October 2017.

Types of EU trademarks are the following²:

² All definitions and examples are based on the official web site of EUIPO: www.euipo.europa.eu/ohim_portal/trade_marks.

1. **Word mark** - ... "a mark consisting solely of words or letters or other standard typographical signs or a combination thereof ..." The mark shall be represented by a standard text and layout, with no graphic elements or color.

ADIDAS PHILIPS LEVI'S JUST DO IT

EUTM 002288355 EUTM 000205971 EUTM 000033159 EUTM 000514984

2. **Figurative mark**

2.1. **Simple figurative mark** - "... a mark which uses non-standard characters, stylization, layout, graphic element or color, including marks consisting solely of figurative elements or a combination of word and figurative elements ... EUIPO no longer accepts color claims; the presentation must contain the colors, if any, and all the elements of the sign. Format: JPEG

2.2 **Figurative mark with word element**



2.1 005271598 – ADIDAS AG



2.2 Jaguar Power 009687336

3. **Three-dimensional mark /shape mark/-** a mark consisting of or containing a three-dimensional shape, including containers, packaging, the product itself or its appearance. It is presented in a file showing the brand identity. Required format: JPEG

3.1 Shape mark /simple, without words/ 3.2 Shape mark with word elements



010532653 – COCA – COLA bottle Toblerone chocolate 014141113 COCA-COLA can

4. **A position mark** - '... a mark consisting of the particular way in which the mark is presented or affixed to the product ...'. 'It shall be presented in a manner which determines the position of the mark and its size or proportions in relation to the goods in question'. Elements that do not form part of the subject of registration "must be visually excluded. A brand description is acceptable. Format: JPEG



112044 PRADAS.A.

5. **Pattern mark** -... "a mark consisting only of a number of elements that repeat in a certain way ..." It is represented by a playback showing the way of repeating the elements. Can be described. So far, the description has been mandatory. Format: JPEG



18441 BURBERRY LIMITED



000015602 LOUIS VUITTON MALLETIER

6. **Single color mark** - '... a mark consisting of a single color without contour ...' It is represented by reproducing the color and indicating it by reference to a conventional color designation. So far, the color designation was not required.

Format: JPEG



KRAFT FOODS SCHWEIZ HOLDING GMBH

7. **Color combination mark** - '... mark consisting solely of a combination of borderless colors ...'. It is represented by reproducing the color combination, indicating the location of the colors in a predetermined manner and indicating the colors by reference to a conventional color designation. So far, the color designation was not required. Can be described. So far, the description has been mandatory.

Format: JPEG



THE BLACK & DECKER CORPORATION

8. **Sound mark**- "... a mark consisting solely of a sound or a combination of sounds ..." Represents a sound file reproducing the sound or by accurately presenting the sound with musical notes. " Change in EUIPO practice: So far, the sound mark has been presented on note sheets, the sound file was optional. Format: JPEG or MP3. With the abolition of the graphical representation requirement, as and from 1 October 2017, EUTM applications for sound marks can only be an audio file reproducing the sound or an accurate representation of the sound in musical notation.



001480805 UK INSURANCE LIMITED

9. **A movement mark** - '...a mark consisting of - or unfolding a movement or change of the positions of the elements of the mark ...'. It is represented by a video file showing the movement or change of the position, or a sequence of consecutive footage indicating the movement that can be numbered. "A description may be attached. So far it was obligatory format: JPEG or MP4



005338629 MICROSOFT CORPORATION

10. **Multimedia mark** - "... a mark representing image and sound ..." It is represented by an audiovisual file containing the combination of image and sound. Format: MP4



Presented in video

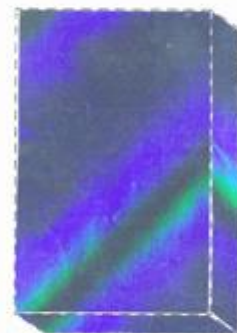
017451816 FAHNEN-GÄRTNER

11. **Holographic mark** - '... a mark consisting of elements having holographic characteristics ...' It is represented by a video, graphic or photographic reproduction containing the views necessary to establish sufficiently well the holographic effect in its entirety '. Format: JPEG or MP4. II. Changes in procedures From 1 October 2017 some changes to the procedures will come into force. 1. Regarding priority: The priority claims must be indicated by the filing of the EU trademark application. So far, it has been possible to bring them to the floor



012383171

PLANTE SYSTEM FRANCE



002559144

EVE HOLDINGS INC.

EUIPO introduces a new kind of trade mark into the legal practice under name of certificate marks.

They have existed in some national systems in the EU member states for years though in European legislation is a newest legal option.

The new legal option called '**certificate marks**' is characterized with the following main points:

- The European Union trade mark is a mark which is' **capable of distinguishing the goods or services certified by the proprietor of the trade mark** in respect of the material, the manner in which the goods are produced or the way in which the services are provided, the quality, the accuracy or other characteristics, excluding geographical origin, from goods and services not so certified.
- Essentially, the EU certification mark **refers to the guarantee of certain characteristics of certain goods and services**. It states that the goods and services covered by the mark correspond to a standard specified in the rules of use and controlled under the responsibility of the owner of the certification mark, irrespective of who is the manufacturer or supplier of the goods and services in question and actually uses the certification mark.
- Applicants for certification marks must include in their applications a declaration that they are applied for an EU certification mark.
- **Terms of use are the essence** of the certification mark. They must be submitted within two months of filing the application and must contain the following:
 - the characteristics of the goods and services to be certified;
 - the conditions of use of the certification mark;
 - testing and supervision measures that are applied by the owner of the certification mark.

All types of EU trademarks shall be obtained by registration.

III- REQUIREMENT FOR REGISTRATION OF EU MARKS:

Generally, trademarks registration is based not the positive required characteristics though on the negative grounds for refusal of signs for EU marks registration. The grounds for refusal of trademarks registrations are two groups: absolute and relative.

Absolute grounds for refusal of EU mark registration /inexhaustibly/

The following signs³ shall not be registered:

A/ signs which do not conform the requirement of EU mark definition;

b/ signs which are devoid of any distinctive character

c/ signs which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service;

d/ signs which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade;

e /signs which consist exclusively of:the shape, or another characteristic, which results from the nature of the goods themselves;

- the shape, or another characteristic, of goods which is necessary to obtain a technical result;
- the shape, or another characteristic, which gives substantial value to the goods;

f/ signs which are contrary to public policy or to accepted principles of morality;

g/ trademarks which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service;

(i) trade marks which include badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless the consent of the competent authority to their registration has been given;

(j) trademarks which are excluded from registration, pursuant to Union legislation or national law or to international agreements to which the Union or the

³ The author of this article uses terms ‘signs’ and ‘trade marks’ in the meaning of EU law as equal terms.

Member State concerned is party, providing for protection of designations of origin and geographical indications;

(k) trademarks which are excluded from registration pursuant to Union legislation or international agreements to which the Union is party, providing for protection of traditional terms for wine;

(l) trademarks which are excluded from registration pursuant to Union legislation or international agreements to which the Union is party, providing for protection of traditional specialties guaranteed;

(m) trademarks which consist of, or reproduce in their essential elements, an earlier plant variety denomination registered in accordance with Union legislation or national law, or international agreements to which the Union or the Member State concerned is a party, providing for protection of plant variety rights, and which are in respect of plant varieties of the same or closely related species.⁴

Relative grounds for refusal of EU trademarks

The trade mark applied for EU trademark registration shall not be registered if it is included in the following list:

Upon opposition by the proprietor of an earlier trade mark /applied or registered/:

(a)if it is identical with the earlier trade mark and the goods or services for which registration is applied for are identical with the goods or services for which the earlier trade mark is protected;

(b)if, because of its identity with, or similarity to, the earlier trade mark and the identity or similarity of the goods or services covered by the trade marks there exists a likelihood of confusion on the part of the public in the territory in which the earlier trade mark is protected; the likelihood of confusion includes the likelihood of association with the earlier trade mark.

⁴ <https://euipo.europa.eu/ohimportal/en/community-design-legal-texts>

The term '**earlier trade mark**' means:

a/ trademarks of the following kinds with a date of application for registration which is earlier than the date of application for registration of the EU trade mark, taking account, where appropriate, of the priorities claimed in respect of those trademarks:

Trade marks registered in a Member State, or, in the case of Belgium, the Netherlands or Luxembourg, at the Benelux Office for Intellectual Property;

Trade marks registered under international arrangements which have effect in a Member State;

Trademarks registered under international arrangements which have effect in the Union;

(b) applications for the trademarks referred to in point (a), subject to their registration;

(c) trademarks which, on the date of application for registration of the EU trade mark, or, where appropriate, of the priority claimed in respect of the application for registration of the EU trade mark, are well known in a Member State, in the sense in which the words 'well known' are used in Article 6bis of the Paris Convention.

d/ TM with reputation in the case of an earlier Community trade mark, the trade mark has a reputation in the Community and, in the case of an earlier national trade mark, the trade mark has a reputation in the Member State concerned and where the use without due cause of the trade mark applied for would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

Examples for the TM with reputation: well-known TM for all over the world marks or for the marks with a reputation: IBM, Coca- Cola, Shell, etc.

6. Upon opposition by any person authorized under the relevant law to exercise the rights arising from a designation of origin or a geographical indication, the trade mark applied for shall not be registered where and to the extent that, pursuant to the

Union legislation or national law providing for the protection of designations of origin or geographical indications:

(i) an application for a designation of origin or a geographical indication had already been submitted, in accordance with Union legislation or national law, prior to the date of application for registration of the EU trade mark or the date of the priority claimed for the application, subject to its subsequent registration;

(ii) that designation of origin or geographical indication confers the right to prohibit the use of a subsequent trade mark.

In addition, there are many specific circumstances and conditions as cases of refusal of EU trade marks registration. Presentation of which exceeds the purpose of this article.⁵

IV- EFFECTS OF AN EU TRADE MARK – OWNER AND EXCLUSIVE RIGHTS

Any natural or legal person, including authorities established under public law, may be the owner/ proprietor of an EU trade mark.

An EU trade mark shall be obtained by following the specific legal procedure for registration.

The registration of an EU trade mark shall confer on the proprietor exclusive rights therein.

In general terms the exclusive rights in registered EU trade marks includes rights of the proprietor to use this EU trade mark, to prohibit other person to use and to transfer/ dispose of the registered EU trade marks. In more details:

A. right to use and right to prohibit other persons to use the EU trade mark

Without prejudice to the rights of proprietors acquired before the filing date or the priority date of the EU trade mark, the proprietor of that EU trade mark shall be

⁵ For more information about these cases you may visit the official web site of EUIPO: www.euiipo.europa.eu

entitled to use and to prevent all third parties not having his consent from using in the course of trade, in relation to goods or services, any sign where:

(a) the sign is identical with the EU trade mark and is used in relation to goods or services which are identical with those for which the EU trade mark is registered;

(b) the sign is identical with, or similar to, the EU trade mark and is used in relation to goods or services which are identical with, or similar to, the goods or services for which the EU trade mark is registered, if there exists a likelihood of confusion on the part of the public; the likelihood of confusion includes the likelihood of association between the sign and the trade mark;

(c) the sign is identical with, or similar to, the EU trade mark irrespective of whether it is used in relation to goods or services which are identical with, similar to or not similar to those for which the EU trade mark is registered, where the latter has a reputation in the Union and where use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the EU trade mark.

The term **‘rights to use of’ trade mark** consist of the following activities:

(a) affixing the sign to the goods or to the packaging of those goods;

(b) offering the goods, putting them on the market, or stocking them for those purposes under the sign, or offering or supplying services thereunder;

(c) importing or exporting the goods under the sign;

(d) using the sign as a trade or company name or part of a trade or company name;

(e) using the sign on business papers and in advertising;

(f) using the sign in a manner that is contrary to Directive 2006/114/EC.

There is need to be clarifies terms: ‘advertising’, misleading and comparative advertising. There are following⁶:

⁶ Directive 2016/114 EC <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0114>

- **‘advertising’** means the making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations;
- **‘misleading advertising’** means any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behavior or which, for those reasons, injures or is likely to injure a competitor;
- **‘comparative advertising’** means any advertising which explicitly or by implication identifies a competitor or goods or services offered by a competitor.

In determining whether advertising is misleading, account shall be taken of all its features, and in particular of any information it contains concerning:

-the characteristics of goods or services, such as their availability, nature, execution, composition, method and date of manufacture or provision, fitness for purpose, uses, quantity, specification, geographical or commercial origin or the results to be expected from their use, or the results and material features of tests or checks carried out on the goods or services;

-the price or the manner in which the price is calculated, and the conditions on which the goods are supplied or the services provided;

-the nature, attributes and rights of the advertiser, such as his identity and assets, his qualifications and ownership of industrial, commercial or intellectual property rights or his awards and distinctions.

Comparative advertising shall meet the following requirements:

-it compares goods or services meeting the same needs or intended for the same purpose;

-it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price;

-it does not discredit or denigrate the trademarks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor;

-for products with designation of origin, it relates in each case to products with the same designation;

-it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products;

-it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name;

-it does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trademarks, trade names, other distinguishing marks, goods or services and those of a competitor.

Any third party couldn't use this registered EU trade mark in the term of 'use' clarified upon without permission of the proprietor.

The entitlement of the proprietor of an EU trade mark pursuant to the first subparagraph shall lapse if, during the proceedings to determine whether the EU trade mark has been infringed, initiated in accordance with Regulation No 608/2013.

Limitation of the effects of an EU trade mark

An EU trade mark shall not entitle the proprietor to prohibit a third party from using, in the course of trade:

(a) the name or address of the third party, where that third party is a natural person;

(b) signs or indications which are not distinctive or which concern the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of the service, or other characteristics of the goods or services;

(c) the EU trade mark for the purpose of identifying or referring to goods or services as those of the proprietor of that trade mark, in particular, where the use of that trade mark is necessary to indicate the intended purpose of a product or service, in particular as accessories or spare parts.

The use of EU trade mark should be is in accordance with honest practices in industrial or commercial matters.

Exhaustion of the rights conferred by an EU trade mark

1. An EU trade mark shall not entitle the proprietor to prohibit its use in relation to goods which have been put on the market in the European Economic Area under that trade mark by the proprietor or with his consent.

This legal option shall not be applied where there exist legitimate reasons for the proprietor to oppose further commercialization of the goods, especially where the condition of the goods is changed or impaired after they have been put on the market.

B. right to transfer/ to license the registered EU trade mark

An EU trade mark may be transferred/licensed, separately from any transfer of the undertaking, in respect of some or all of the goods or services for which it is registered.

A transfer of the whole of the undertaking shall include the transfer of the EU trade mark except where, in accordance with the law governing the transfer, there is agreement to the contrary or circumstances clearly dictate otherwise. This provision shall apply to the contractual obligation to transfer the undertaking.

An assignment of the EU trade mark shall be made in writing and shall require the signature of the parties to the contract, except when it is a result of a judgment; otherwise it shall be void.

On request of one of the parties a transfer shall be entered in the Register and published.

III. Application process within EUIPO

To obtain exclusive rights in EU trade mark the applicant should follow the legal procedure for this purpose starting with to fill up the application form.

There are three crucial pieces of information on the application form:

- Ownership - any individual or company can own an EU trade mark; the details are made public and must be kept up to date so that there can be no doubt who owns the mark.
- What can be an EU trade mark - your trade mark must be clearly represented.
- Goods and services - must be defined so that other traders understand what goods and services your application covers.

The basic fee is due within one month from the date the application is received by EUIPO. Please note that we only examine trade mark applications and process any mail related to them after they are paid for.

- The basic fee covers one class for EUR 850.
- The fee for the second class of goods and services is EUR 50.
- The fee for three or more classes is EUR 150 for each class.

You can calculate the exact fee depending on the number of classes and filing method of your application.

An EU trade mark is valid for 10 years. It can be renewed indefinitely, 10 years at a time for each renewal.

How to apply for, how to register and how to manage the registered EU trade mark are complex matter explained in detail on the official site of EUIPO. A successful application and registration of EU trade mark is the beginning point for a successful brand strategy which is no subject of this article.

A European Union trade mark is valid in all 28 countries of the European Union: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia,

Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherland, Poland. Portugal, Romania, Slovakia, Spain, Sweden, UK.

From 1 October 2017 some changes to the procedures have come into force.

1. Regarding priority

Priority claims must be indicated by the filing of the EU trademark application. So far, it has been possible to claim it after filing the application. Documentation supporting the claim must be filed within three months from the date of application for the trade mark. The priority claim is no longer subject to substantive examination. It remains as a "no evidence" claim until it is invoked and does not have to validate in the proceedings.

2. Concerning the distinctive character acquired by the sign

The applicant has the legal possibility to invoke an additional or alternative claim at the beginning of the application procedure or later. The advantage of the supplementary claim is that it is subject to consideration only if there is a negative final decision on the intrinsic distinctive character. This allows the applicant not to carry out the costs of collecting and submitting proof of use, unless it is necessary.

3. Regarding the opposition proceedings or the removal of an EU trade mark

The EU Trade Marks Delegation Regulation introduces framework rules on delayed evidence and codifies the practice of the Office for the Suspension of Suspensions and the Termination / Continuation of Pending Revocation or Cancellation Orders.

4. Presentation of online evidence

EUIPO accepts evidence of earlier rights for registered trademarks, certain trade marks, or geographical indications if the content of the relevant national legislation and practice is available in an online source recognized by the Office (SISES). The

Office takes as evidence all databases of national and regional EU IS services using the 'tmview' portal.

5. Communication language

Most types of evidence can also be submitted in any of the official EU languages. Where the language used for substantive evidence (with the exception of filing, registration or renewal certificates or provisions of the relevant legislation) is not the language of the proceedings, translation will only be necessary when requested by the Office. Evidence of acquired distinctive character or reputation falls into this category. The "translation standard" requirements are no longer as high as before. When a party has indicated that only parts of the document are relevant, the translation may be limited to those parts.

6. Means of communication with the Office

The ways of communicating with the Office have been changed in view of the development of information technology. In particular:

- Old forms of communication have been canceled. Applying directly to the Office (by hand in place) or in the Office mailbox;
- The term "electronic means" is defined more widely, "Fax" and potentially many other types of resources.

7. Board of Appeal

The EU Trade Marks Amendment Regulation consolidates the provisions relating to the Boards of Appeal. The main clarifications and amendments relate to the content of the grounds and the reply, the 'cross-appeals', the claims made and the facts or evidence submitted for the first time before the Boards of Appeal, the new absolute grounds put forward by the Boards of Appeal, the accelerated proceedings and the organization and structure of the appellate compositions.

V- ECONOMIC AND ADMINISTRATIVE EFFECTS OF EU TRADE MARK

There are many advantages in EU trade mark as a legal option for national and legal persons which are summarized as following:

- Electronic way of application of EU trade mark. No paper application, no conventional letter or transmission by fax as a mandatory way of application;
- Fees for application and registration of EU trade mark is € 1050 for 3 classes /850 for 1 class/ of Nice classification of goods and services for 10-years period of protection without no limit of renewal.
- Obtaining short terms for the publication of applied trade mark in the Bulletin of the EUIPO⁷;
- Reducing of conflicts in trade between Member States due to the differences in national legislation in the field of trademarks;
- Overcoming obstacles to competition in the Community and the free movement of goods caused by the huge number of applications, departments and procedures.
- The applicant should know only one procedure for the application and registration of EU trade mark instead of many specific national application and registration systems;
- The applicant can submit only one application /instead of 28 different applications for each member state of the EU /;
- The applicant can use only one language for EU trade mark application or two languages if he decides not to use a national language;
- communicates with only one Office during the procedure of registration of EU trade marks;

⁷ Markova, M., 'Intellectual Property Rights and Consumer Behavior', Advances in Economics and Business, N1, 2017 <http://www.hrpub.org>.

- if the applicant wills he may use a EU trade mark as a national within Madrid system and to obtain a wider geographically protection internationally obtained and based on EU trade mark.

INSTEAD OF CONCLUSION: At EUIPO are registered almost 135 000 trademarks every year. Using the system of EU trade marks companies may obtain different signs to identify and differentiate on the global digital and high competitive market. To implement and realize a complex differentiation strategy they may use EU trademarks and EU industrial design and this way to achieve a synergetic effect based on IP rights.⁸

⁸ Markova. M., Protection of industrial design as IP rights in European Union, NTUT Journal IP law and management, 2018, N 7

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www.eu-lex.europa.eu