The trade mark – a unique business card.

The better-known a trade mark is, the greater the incentive for competitors to copy the mark or to create a similar visual impression. That intention can only be thwarted if trade marks are registered – and in good time.

The following in particular can be registered as trade marks: word marks, figurative marks or combined word and figurative marks, but also sound marks, three-dimensional designs and the presentation of goods, including its colour, if it is capable of distinguishing them from those of other enterprises.

By registering a trade mark, it is possible to protect not only the names of goods, but also services, e.g. those offered by hotels, travel agents, banks, driving schools, haulage enterprises or trade fair companies.

Anyone intending to begin using a trade mark or a new company name should first ensure that this would not infringe existing third-party rights. The relevant searches and their evaluation are carried out by the patent attorney.

**Field of application of the trade mark**
Labelling a company’s goods or services. Some examples: the word mark “Persil”, the Mercedes star or the Lufthansa crane as figurative marks, the Bayer cross as a combined word and figurative mark.

**Exclusions**
Purely descriptive epithets such as “fire-proof” or “compact flash” and advertising statements such as “super” or “top”.

**Duration**
Trade marks are registered for ten years and can be renewed for a further ten years at a time, as often as desired.
Application and examination  
Trade marks are filed with the German Patent and Trade Mark Office. The goods or services for which the trade mark is supposed to be protected must be entered in a list. After a substantive examination by the Office, the application is published in the Trade Mark Journal. Within three months, third parties which own a similar, older trade mark can file an opposition. One precondition is that the respective goods or services are also “similar”.

Compulsory use  
If the German trade mark is not seriously used within five years after its registration and if there are no justified reasons for this, it can be cancelled upon request on the grounds that it has lapsed. This presupposes, however, that third parties have filed a complaint on the grounds of lack of use.