

## **CLARION SOLICITORS**

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### **Trade Mark Windfall for Yorkshire Businesses**

Yorkshire businesses are in line to receive thousands of pounds as part of a payback from the European Union which has accumulated a substantial surplus from issuing fee-based Community Trade Marks (CTMs) over the last 15 years.

Clarion Solicitors is alerting businesses to the news which follows the announcement last week (13 January) of the contribution by the EU body responsible for trade marks, the OHIM (Office of Harmonisation in the Internal Market), to a European Commission study looking at the operation of the trade mark system in Europe. It seems that since the CTM system was established in 1994, over 825,000 applications have been received, generating a surplus revenue for the OHIM of €400m.

“The CTM has been phenomenally successful. When it was set up 15 years ago, the intention was that the system would be fee-based and self-funding, but not that it would make a profit,” explains Leigh Martin, who leads Clarion’s specialist IP division. “As a result of the success of the scheme, revenues have been significantly higher than initially expected, raising the question of what should be done with the surplus.

“Even after reducing fees in 2009 and giving money to national IP offices through various projects, there is still a €300m surplus and the OHIM has now proposed making refunds to owners of CTMs which were registered prior to the recent fee changes. The OHIM has calculated that if its proposals are adopted, owners of pre-2005 CTMs will each receive be entitled, on average, to about £1,350 at today’s exchange rates, and that those with post-2005 CTMs will be entitled, on average, to around £700 each.”

Mr Martin continues, “If the proposals are adopted, then the OHIM is suggesting a publicity campaign to alert trade mark owners of their rights to refunds. Whilst the precise mechanism for the refunds would need to be worked out, we are actively monitoring the position for our clients to ensure that, should they have an entitlement to a refund, they receive what becomes due to them.



“CTMs cover all 27 EU member states and with their cost reduced last year, there is an even greater argument now for businesses to protect themselves throughout Europe by investing in them.”

To find out more, visit <http://oami.europa.eu/ows/rw/news/item1246.en.do>

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For further information please contact: Appeal PR on 01423 569 999