Deutsches
Patent- und Markenamt

Good reasons for filing a national trade mark application

1. Fast and simple registration procedure

You can apply online for the registration of a German trade mark. You have the choice of filing an application via DPMAdirektPro or via DPMAdirektWeb (in German). For an online aplication via DPMAdirektWeb, no signature card is required. Further information can be found under Application.

Of course, you can also use a paper form to apply for the registration of a trade mark.

The language of the procedure is German. Should you have any questions during the procedure, our experienced and qualified staff will be happy to assist you.

2. Low costs

A German trade mark application is inexpensive. The basic fee is 290 euros for electronic filing and 300 euros for paper-based filing. The registered trade mark is protected for ten years without any further fees arising during this period. After ten years, the term of protection for your trade mark can be extended for a further ten years against payment of a renewal fee.

3. Nationwide protection

Once registered, the trade mark has nationwide protection. This way, you are on the safe side and do not have to prove whether and when you have acquired trade mark rights or other rights to signs. The scope of the IP protection is shown in the register. As a trade mark owner, you can enforce your rights against younger, confusingly similar trade marks throughout Germany. In addition, you can take action against a younger EU trade mark (a trade mark valid in the European Union) if it is confusingly similar to your own trade mark.

4. National trade mark less easily challengeable

Compared to an EU trade mark, a German trade mark can be less easily challenged. An EU trade mark is valid throughout the entire EU territory, but it is subject to the “all-or-none principle”. This means that if there is an absolute ground for refusal in just one of the 27 member states of the EU, the EU trade mark cannot be registered. The same applies to the opposition proceedings. One confusingly similar, earlier trade mark in one of the 27 EU member states is sufficient to bring down the entire EU trade mark. Possible conflicts with earlier trade marks from all over the EU can hardly be predicted and assessed. An EU trade mark is therefore more likely to be challenged by competitors.

5. Tailor-made: Extending protection to other countries

For a company or a business that is predominantly active in Germany, the registration of a German trade mark is the appropriate format. An EU trade mark offers protection throughout the EU, but it is more expensive and may be more easily challenged. If a company wishes to expand, it is possible, on the basis of the registered German trade mark, to apply for an international registration with the World Intellectual Property Organization (WIPO). The application is filed with the DPMA. In this way, for example, you can obtain favourably priced protection for your trade mark in non-EU member states such as Switzerland, the Asian region or the USA.

A German basic mark, with the option of extending its protection by means of international registration, provides the advantage that protection can be precisely tailored and extended to the countries in which you are active or in which you wish to become active. For example, if you are only active in German-speaking countries, i.e. in Germany, Austria and Switzerland, it is useful to apply for additional protection for these two countries by means of international registration. In this case, an EU trade mark would be less suitable because Switzerland as a non-EU member would not be covered by this application.

6. Advantages of temporary relief through speedy registration

Through temporary relief, it is possible to effectively protect one's rights conferred by a trade mark even before the decision on the merits has been reached. The prerequisite for this is that the trade mark is registered. In this case, the German trade mark brings more benefits, because due to the applicable procedural law, it is registered earlier than an EU trade mark. In the case of a German trade mark, the registration already takes place after the examination of the protectability. The opposition proceedings are not carried out until afterwards. In the case of an EU trade mark, however, the registration takes place only after the examination of the protectability and after the opposition proceedings have been carried out. Moreover, the opposition proceedings can take considerably longer than for a German trade mark, not least because owners of earlier trade marks from all 27 EU states can file an opposition against the EU trade mark applied for.

In the case of a German trade mark, the applicant is therefore in a position to earlier assert rights under his trade mark and to act effectively by way of temporary relief.

7. Seniority – maintenance of the earlier national trade mark

When applying for an EU trade mark, it is possible to claim the seniority of an earlier identical national trade mark. The national trade mark does then not need to be renewed. Nevertheless, it is often useful to maintain the earlier national trade mark because the EU trade mark is more easily challengeable (point 4).