



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

ADMINISTRATION OF TRADE MARKS AND DESIGNS DEPARTMENT
Search

Alicante, 31 March 2006

Note for the attention of proprietors and representatives of CTM applications

Subject: Art 39 (6) regarding the sending of search reports.

After receiving inquiries from our clients about the late transmission of search reports the Office would like to inform the users of the Community Trade Mark System about the current practice and to explain the circumstances.

Article 39 (6) of the Community Trade Mark Regulation states that: *“Upon publication of the Community trade mark application, which may not take place before the expiry of a period of one month as from the date on which the Office transmits the search reports to the applicant, the Office shall inform the proprietors of any earlier Community trade marks or Community trade mark applications cited in the Community search report of the publication of the Community trade mark application.”*

With the aim to speed up the registration process, the trade marks are currently being published as soon as the search reports are ready to be sent. As a consequence, there are cases where the search report is received after the publication of the application.

The one month period before publication is meant to give the applicants the possibility of withdrawing their applications after analyzing the search report contents. However, the practice showed that the amount of applications withdrawn within this period is insignificant. The risk of a negative aspect of this practice is therefore considered very limited whereas the positive effect, the faster publication, will be noticed by all users.