



European Communities Trade Mark Association

## **Summary report on the result of the survey conducted by the Harmonization Committee on registrable transactions in the member countries of the Community**

This survey, having been a work-in-progress for many years, finally presents replies for all member countries. With regard to Lithuania, we could not obtain all answers to the questions – due to Lithuania still not represented on our Committee.

### **1.**

Harmony of the members exists only with regard to a few transactions. Assignments of trademarks registered or applied for, mergers and change of title of the registered owner are recordable in all countries. With regard to applications, the transaction is recorded in some countries after registration. In Benelux applications cannot be assigned, but can be incorporated in the request for recordal.

Assignments without goodwill are valid in all countries but Bulgaria.

Partial assignments are provided for in all countries but Bulgaria. In Sweden, however, the TM Reg./Appln. must have been divided beforehand.

### **2.**

Licenses cannot be recorded in Germany. All other countries record licences of registered trademarks. Roughly the half of those countries record also licenses of pending trademark applications.

### **3.**

Security interests (rights in rem) in registered trademarks are recorded in the majority of the member countries (in Romania apparently without legal basis as a matter of practice). Of those countries, only a part records security interests also against trademark applications. A minority of two countries (Cyprus, Malta) does not record security interests at all.



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#### 4.

Turning to the documentation required for recordal of transactions, the answers vary from “none” (Malta) up to “notarized and legalized documents” with the peak in Italy as it appears, where additional notarization by an Italian notary public in addition to registration with the fiscal registry is still required.

#### 5.

In the majority of the member countries, recordal is not mandatory, whereas in a minority recordal/recordal of several transactions is mandatory. Even if not mandatory, recordal appears to be strongly advisable or advisable, as non-recordal implies disfavoured legal consequences, varying at large, in all but few countries.

In most countries time limits for recordal do not exist with exceptions in France and Spain regarding security interests. In Cyprus an assignment without goodwill must be applied for within nine months. In the U.K. and Ireland, losses of costs of proceedings or damages due to infringement may result from recordals applied for after six months have passed since the signature of the agreement relating to the transaction.

#### 6.

Each transaction within a chain of transactions has to be recorded separately - with the consequence of separate fees - still in the majority of the countries, whereas a strong minority of nine countries allows one recordal of several transactions, e. g. recordal from A) to D).

#### 7.

The time between application and recordal spans one day (Latvia, with some luck) up to three years (Italy, though, with effect ex tunc), in most countries dwelling on a couple of weeks or months.

#### 8.

In most of the countries, recordal of transaction is not subject to a tax. In a minority of countries a stamp duty is due or in some cases due. In Austria the amount depends on the value of the transaction, which requires a careful wording of the pertaining documents to be submitted. In Italy further taxes are triggered by the recordal.



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**9.**

With regard to official fees, the variety of the national provisions appears endless, from “no fees” to amounts up to 200 EURO per recordal per mark.

Summarizing, the conclusion can be drawn that the Community member countries are far from harmony, and even from harmonization in respect of their legal provisions regarding the recordal of transactions relating to trademarks.

The answers for the member countries are enclosed, as well as the answers with regard to the OHIM.

Date: November 5, 2009

Monika Wenz



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**ECTA Harmonization Committee**

**Project (3)**

**Questionnaire on Recordal of Transactions (Trade Marks)**

**Coordinator: Michael Kiernan**

**Country: (kindly insert)**

Is it possible to record the following transactions (1-5) below before your national Trade Marks Office and what are the official fees for such recordal
<b>1. Assignment</b>
a) (Registrations)
b) (Applications)
<b>2. Licence</b>
a) (Registrations)
b) (Applications)
Is there any distinction drawn between recordal of an exclusive or non-exclusive licence?
<b>3. Security Interest</b>
a) (Registrations)
b) (Applications)
<b>4. Merger</b>



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a) (Registrations)
b) (Applications)
5. Change of legal form of the entity (if owner is a legal entity), e.g. in Germany from GmbH to KGaA
a) (Registrations)
b) (Applications)
6. What documentation does your Patents office require
a) Advise on any notarization or legalization requirements
b) Are confirmatory documents acceptable?
7. Is recordal mandatory – YES/NO
a) What are the consequences of non-recordal?
b) Are there time limits for recordal?
8. Can assignment be:
a) With goodwill
b) Without goodwill
c) For some of the goods/services of the Registration or Class (i.e. partial Assignment)
9. Must you record all of the transactions separately on the register, e.g. A to B to C to D or would recordal from A to D suffice?



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10. What taxation issues (such as stamp duty) arise in relation to transactions and their recordal on the register.
11. What is the approximate time frame between application for recordal and entry of the transaction on the register?

**ECTA Harmonization Committee:  
Survey: Recordal of Transactions (Trade Marks)**

**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

**1. Assignment**

a) Registrations

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	YES  YES	70,00 plus 13,00 (stamp duty)
Benelux	YES	54,00 for 1 <sup>st</sup> Reg 27,00 for 2 <sup>nd</sup> to 5 <sup>th</sup> Reg (per Reg) as of 6 <sup>th</sup> Reg: free of official fees
Bulgaria	YES	approximately 40,00
Cyprus	YES	If application is made during six months' time from signing of the assignment, official fees are 25,63 + 18,00 stamps + 8,54 for each additional TM; if application is made after six months' time but within a year from signing of the assignment, official fees are 34,17 + 18,00 stamps + 8,54 for each additional TM,



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		if application is made after one year from the signing of assignment, official fees are 42,72 + 18,00 stamps to 8,54 for each additional trademark
Czech Republic	YES	26,00
Denmark	YES	NONE
Estonia	YES	35,00 (EEK 500,00)
Finland	YES	50,00
France	YES	26,00 up to a maximum of 260,00
Germany	YES	NONE for complete assignment 300,00 for partial assignment
Greece	YES	120,00
Hungary	YES	65,00 (payable in HUF)
Ireland	YES	60,00 for 1 <sup>st</sup> TM 6,00 for each additional case contained in same recordal
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania	YES	115,85
Malta	YES	58,23
Poland	YES	70,00 PLN (appr. EUR 18,00)
Portugal	YES	125,00 (100,00 for online filings)
Romania	YES	100,00
Slovakia	YES	26,50
Slovenia	YES	40,00 and for partial assignment



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		70,00
Spain	YES	29,28 with a maximum of 6.252,92 in case of several TMs concerned by same recordal
Sweden	YES	SEK 700,00
United Kingdom	YES, on form TM16, which does not require a signature (of the parties involved), as long as evidence of assignment is attached. If no evidence is filed, then the signature of the assignor and the assignee is required.	GBP 50,00 per transaction regardless of numbers of TMs
OHIM	YES	NONE

**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

### 1. Assignment

#### b) Applications

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	YES	70,00 plus 13,00 (stamp duty)
Benelux	No, but applications can be incorporated in the request for recordal	
Bulgaria	YES	approximately 40,00
Cyprus	YES, but transactions will only be recorded with the TMs are registered	If application is made during six months' time from signing of the assignment, official fees are 25,63 + 18,00 stamps + 8,54 for each additional TM; if application is made after six months' time but within a year from signing of the assignment, official fees are 34,17 + 18,00 stamps + 8,54 for each additional TM, if application is made after one year



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		from the signing of assignment, official fees are 42,72 + 18,00 stamps to 8,54 for each additional trademark
Czech Republic	YES	26,00
Denmark	If a petition is filed whilst the application is pending the DKPTO will postpone the actual recordal until registration. This is, however, of very little importance as the Danish PO registers uncomplicated applications within 1-2 month and assignment transactions within a week.	NONE
Estonia	YES	35,00 (EEK 500,00)
Finland	YES	NONE
France	YES, as soon as the application is published	26,00 up to a maximum of 260,00
Germany	YES	NONE for complete assignment 300,00 for partial assignment
Greece	YES	120,00
Hungary	YES, however, sometimes the recordal will not be prior to registration of the mark	65,00 (payable in HUF)
Ireland	YES	60,00 for 1 <sup>st</sup> TM 6,00 for each additional case contained in same recordal
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania	YES	115,85
Malta	YES	58,23



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Poland	YES	NONE
Portugal	YES	125,00 (100,00 for online filings)
Romania	YES	100,00
Slovakia	YES	26,50
Slovenia	YES	40,00 and for partial assignment 70,00
Spain	YES	29,28 with a maximum of 6.252,92 in case of several TMs concerned by same recordal
Sweden	YES	NONE
United Kingdom	In the case of pending marks a request to enter particulars of one transaction in the Register is regarded as giving the Registrar notice of those particulars. This means the transaction does not take effect until the application is registered.	
OHIM	YES	NONE

**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

## 2. Licence

### a) Registrations

Country		Official Fees per TM (EUR)
Austria	YES	70,00 plus 13,00 (stamp duty)
Benelux	YES	54,00 for 1 <sup>st</sup> Reg 27,00 for 2 <sup>nd</sup> to 5 <sup>th</sup> Reg (per Reg) as of 6 <sup>th</sup> Reg: free of official fees
Bulgaria	YES	approximately 40,00
Cyprus	YES	51,26 + 8,54 for each additional TM



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Czech Republic	YES	26,00
Denmark	YES	NONE
Estonia	YES	35,00 (EEK 500,00)
Finland	YES	50,00
France	YES	26,00 up to a maximum of 260,00
Germany	NO	./.
Greece	YES	120,00
Hungary	YES	65,00 (payable in HUF)
Ireland	YES	60,00 for 1 <sup>st</sup> TM 6,00 for each additional case contained in same recordal
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania	YES	86,89
Malta	YES	58,23
Poland	YES	70,00 PLN (appr. EUR 18,00)
Portugal	YES	82,64
Romania	YES	100,00
Slovakia	YES	16,50
Slovenia	YES	40,00
Spain	YES	29,28 with a maximum of 6.252,92 in case of several TMs concerned by same recordal
Sweden	YES	SEK 700,00



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United Kingdom	YES, on form TM50, no requirement for supporting documents but needs to be signed by licensor	NONE
OHIM	YES	200,00 per mark; where multiple requests are submitted in the same application or at the same time, if the registered proprietor and the licensee are the same in all cases, fees shall not exceed a total of 1.000,00

**Is it possible to record the following transaction below before your national Trade Marks Office and what are the office fees for such recordal**

## 2. Licence

### b) Applications

Country		Official Fees per TM (EUR)
Austria	NO	./.
Benelux	NO, but applications can be incorporated in the request for recordal	./.
Bulgaria	YES	approximately 40,00
Cyprus	YES	51,26 + 8,54 for each additional TM
Czech Republic	NO	./.
Denmark	NO	./.
Estonia	NO	./.
Finland	NO	./.
France	YES, as soon as the application is published.	26,00 up to a maximum of 260,00
Germany	NO	./.



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Greece	Not before they are accepted by the Administrative TMs Committee	120,00
Hungary	NO	./.
Ireland	YES	60,00 for 1 <sup>st</sup> TM 6,00 for each additional case contained in same recordal
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania	NO	./.
Malta	YES	58,23
Poland	NO	./.
Portugal	YES	100,00 (85,00 for online filings)
Romania	YES	100,00
Slovakia	YES	16,50
Slovenia	YES	40,00
Spain	YES	29,28 with a maximum of 6.252,92 in case of several TMs concerned by same recordal
Sweden	NO	./.
United Kingdom	In the case of pending marks a request to enter particulars of one transaction, i.e. a licence, in the Register is regarded as giving the Registrar notice of those particulars. This means the transaction, i.e. licence, does not take effect until the application is registered.	NONE
OHIM	YES	200,00 per mark; where multiple requests are submitted in the same



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		application or at the same time, if the registered proprietor and the licensee are the same in all cases, fees shall not exceed a total of 1.000,00
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**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

## 2. Licence

- c) Is there any distinction drawn between recordal of an exclusive or non-exclusive licence

Country	
Austria	NO  The Patent Office, will, however, record the requested text so that it will state whether the licence is exclusive, non-exclusive or even a sub-licence if the applicant requests the Patent Office to do so. In view of the very small number of recorded licences, there is no standing practice regarding sub-licences.
Benelux	NO
Bulgaria	YES, the holder of an exclusive licence shall not be entitled to grant licences with the same subject matter to other persons. He shall be entitled to use the mark only to the extent explicitly agreed upon.
Cyprus	NO
Czech Republic	NO
Denmark	NO
Estonia	NO
Finland	NO
France	NO
Germany	./.
Greece	NO
Hungary	YES



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Ireland	NO, the licence is recorded in the same way.
Italy	There is no difference with regard to the payment of taxes between the recordal of an "Exclusive Licence" or a "Non-Exclusive Licence"
Latvia	NO
Lithuania	NO
Malta	YES, the law specifies that a licence may be of either one out of these two types.
Poland	YES, only the holder of an exclusive licence recorded in the Register may enforce his rights in the event of infringement, unless the licence contract stipulates otherwise (Article 76.6 of the Law on Industrial Property).
Portugal	NO
Romania	NO, but the Agreement must mention it expressly.
Slovakia	NO
Slovenia	NO
Spain	NO, only that it needs to be mentioned when applied and it is published.
Sweden	YES, it should be stated in the application for recordal.
United Kingdom	Yes. Exclusive licence means one which authorises the licensee to use the trademark to the exclusion of all others including the registered proprietor. An exclusive licence may provide that the exclusive licensee has the same rights and remedies in respect of matters occurring after the date of the licence as if a licence had been an assignment. However, a non-exclusive licensee (or an exclusive licensee whose licence does not provide for it to have the same rights and remedies as the proprietor) is only ever entitled to call on the proprietor to take action, and then to take action itself if the proprietor refuses to do so or fails to do so for 2 months. This latter right may actually be removed by the licence. In terms of the recordal process, there is no difference between an exclusive and a non-exclusive licence. Both are registrable transactions and are registered/recorded in the same manner.



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OHIM	YES; Article 22 CTMR says that “a license may be exclusive or non-exclusive” and where registration of an exclusive license is sought, a statement to this effect must be made (OHIM Manual Part E, Section 5 – Licenses, page 10).
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**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

### 3. Security Interest

#### a) Registrations

Country		Official Fees per TM (EUR)
Austria	YES	70,00 plus 13,00 (stamp duty)
Benelux	YES	54,00 for 1 <sup>st</sup> Reg 27,00 for 2 <sup>nd</sup> to 5 <sup>th</sup> Reg (per Reg) as of 6 <sup>th</sup> Reg: free of official fees
Bulgaria	YES	approximately 40,00
Cyprus	NOT APPLICABLE	./.
Czech Republic	YES	26,00
Denmark	YES	NONE
Estonia	YES	The official fee according to the State Fees Act, Annex 2, depending on the transaction value (i.e. the amount of pledge)
Finland	YES	50,00
France	YES	26,00 up to a maximum of 260,00
Germany	YES	NONE
Greece	YES	NONE
Hungary	YES	65,00 (payable in HUF)
Ireland	YES	60,00 for 1 <sup>st</sup> TM



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		6,00 for each additional case contained in same recordal
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania		
Malta	NO	./.
Poland	YES	
Portugal	YES	5,00 (no fees for online filings)
Romania	YES	100,00
Slovakia	YES	16,50
Slovenia	YES	40,00
Spain	YES, but usually this request is addressed to the Judge, and himself to the Spanish Patent and Trademark Office.	./.
Sweden	YES	SEK 1.400,00
United Kingdom	YES, name of grantee and nature of interest (whether fixed or floating) and the extent of the security and the right in or under the mark secured needs to be advised to the Registry. Signature of the Grantor is required.	NONE
OHIM	YES	200,00; where multiple requests are submitted in the same application or at the same time, fees shall not exceed a total of 1.000,00



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**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

**3. Security Interest**

b) Applications

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	NO	./.
Benelux	NO, but applications can be incorporated in the request for recordal	./.
Bulgaria	YES	approximately 40,00
Cyprus	NOT APPLICABLE	./.
Czech Republic	NO	./.
Denmark	If a petition is filed whilst the application is pending the DKPTO will postpone the actual recordal until registration. This is, however, of very little importance as the Danish PO registers uncomplicated applications within 1-2 month and security interest recordal transactions within a week.	NONE
Estonia	NO	./.
Finland	NO	./.
France	YES, as soon as the application is published. The security interest shall be recorded within 15 days of the signature of the security interest deed.	26,00 up to a maximum of 260,00
Germany	YES	NONE
Greece	YES	NONE
Hungary	NO	./.
Ireland	YES	60,00 for 1 <sup>st</sup> TM



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		6,00 for each additional case contained in same recordal
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	NO	./.
Lithuania		
Malta	NO	./.
Poland	NO	./.
Portugal	YES	5,00 (no fees for online filings)
Romania	YES	100,00
Slovakia	NO	./.
Slovenia	YES	40,00
Spain	NO	./.
Sweden	NO	./.
United Kingdom	In the case of pending marks a request to enter particulars of one transaction, i.e. a licence, in the Register is regarded as giving the Registrar notice of those particulars. This means the transaction, i.e. recordal of security interest, does not take effect until the application is registered.	NONE
OHIM	YES	200,00; where multiple requests are submitted in the same application or at the same time, fees shall not exceed a total of 1.000,00



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**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

**4. Merger**

a) Registrations

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	YES	70,00 plus 13,00 (stamp duty)
Benelux	YES	54,00 for 1 <sup>st</sup> Reg 27,00 for 2 <sup>nd</sup> to 5 <sup>th</sup> Reg (per Reg) as of 6 <sup>th</sup> Reg: free of official fees
Bulgaria	YES	approximately 40,00
Cyprus	YES	If application is made during six months' time from signing of the assignment, official fees are 25,63 + 18,00 stamps + 8,54 for each additional TM; if application is made after six months' time but within a year from signing of the assignment, official fees are 34,17 + 18,00 stamps + 8,54 for each additional TM, if application is made after one year from the signing of assignment, official fees are 42,72 + 18,00 stamps to 8,54 for each additional trademark
Czech Republic	YES	NONE
Denmark	YES	NONE
Estonia	YES	35,00 (EEK 500,00)
Finland	YES	50,00
France	YES	26,00 up to a maximum of 260,00
Germany	YES	NONE
Greece	YES	120,00



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Hungary	YES	65,00 (payable in HUF)
Ireland	YES	NONE
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania	YES	34,75
Malta	YES	58,23
Poland	YES	70,00 PLN (appr. EUR 18,00)
Portugal	YES	125,00 (100,00 for online filings)
Romania	YES	100,00
Slovakia	YES	26,50
Slovenia	YES	<b>40,00</b>
Spain	YES	29,28 with a maximum of 6.252,92 in case of several TMs concerned by same recordal
Sweden	If registered proprietor changes its legal status due to a merger, an assignment should be filed	./.
United Kingdom	Two situations:  - if sale of the shares in the target to the merger partner in which case the target still exists and continues to own its former assets, no assignment needs to be recorded, though there may be a change of name to record if one occurs; or - the sale of certain assets of the target to the merger partner or a new merger vehicle in which	GBP 50,00 per transaction regardless of numbers of TMs



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	case an assignment will need to be recorded	
OHIM	YES	NONE

**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

#### 4. Merger

##### b) Applications

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	YES	70,00 plus 13,00 (stamp duty)
Benelux	No, but applications can be incorporated in the request for recordal	
Bulgaria	YES	approximately 40,00
Cyprus	YES	If application is made during six months' time from signing of the assignment, official fees are 25,63 + 18,00 stamps + 8,54 for each additional TM; if application is made after six months' time but within a year from signing of the assignment, official fees are 34,17 + 18,00 stamps + 8,54 for each additional TM, if application is made after one year from the signing of assignment, official fees are 42,72 + 18,00 stamps to 8,54 for each additional trademark .
Czech Republic	YES	NONE
Denmark	If a petition is filed whilst the application is pending the DKPTO will postpone the actual recordal until registration. This is, however, of very little importance as the Danish PO registers uncomplicated	NONE



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	applications within 1-2 month and merger transactions within a week.	
Estonia	YES	35,00 (EEK 500,00)
Finland	YES	NONE
France	YES, as soon as the application is published	26,00 up to a maximum of 260,00
Germany	YES	NONE
Greece	YES	120,00
Hungary	YES	NONE
Ireland	YES	NONE
Italy	YES	115,00 for 1 <sup>st</sup> TM 81,00 for each additional case contained in same recordal
Latvia	YES	50,00
Lithuania	YES	34,75
Malta	YES	58,23
Poland	YES	NONE
Portugal	YES	125,00 (100,00 for online filings)
Romania	YES	100,00
Slovakia	YES	26,50
Slovenia	YES	40,00
Spain	YES	29,28 with a maximum of 6.252,92 in case of several TMs concerned by same recordal
Sweden	If applicant changes legal status due to a merger, an assignment should be filed	./.
United Kingdom	In the case of pending marks a	



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	request to enter particulars of one transaction in the Register is regarded as giving the Registrar notice of those particulars. This means the transaction does not take effect until the application is registered.	
OHIM	YES	NONE

**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**

**5. Change of legal form of the entity (if owner is a legal entity), e.g. in Germany from GmbH to KGaA**

a) Registrations

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	YES	40,00 plus 13,00 (stamp duty)
Benelux	YES	NONE
Bulgaria	YES	approximately 40,00
Cyprus	YES	NONE
Czech Republic	YES	NONE
Denmark	YES	NONE
	If the documentation shows that it is in fact the same legal entity (e.g. same company ID no.) then it is recorded as a change of legal title. Otherwise it is considered an assignment.	
Estonia	YES	NONE
Finland	YES	50,00
France	YES	NONE, except if the recordal is requested in urgency: 50,00
Germany	YES	NONE



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Greece	YES	60,00
Hungary	YES	65,00 (payable in HUF)
Ireland	YES	NONE
Italy	YES, e.g. from SPA (joint stock company) to SRL (limited liability company)	34,00
Latvia	YES	35,00
Lithuania	YES	34,75
Malta	YES	11,65
Poland	YES	70,00 PLN (appr. EUR 18,00)
Portugal	YES	NONE
Romania	YES	25,00
Slovakia	YES	26,50
Slovenia	YES	40,00
Spain	YES	14,69 with a maximum of 2.501,17 in case of several TMs concerned by same recordal
Sweden	YES	NONE
United Kingdom	YES  Form TM21 is used to record a proprietor's change of name.	NONE
OHIM	YES. A change of the corporate status of a CTM owner can be recorded either as a change of name or as a transfer, depending on the transaction.	NONE

**Is it possible to record the following transaction before your national Trade Marks Office and what are the office fees for such recordal**



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## 5. Change of legal form of the entity (if owner is a legal entity), e.g. in Germany from GmbH to KGaA

### b) Applications

<b>Country</b>		<b>Official Fees per TM (EUR)</b>
Austria	YES	40,00 plus 13,00 (stamp duty)
Benelux	YES	NONE
Bulgaria	YES	approximately 40,00
Cyprus	YES	8,54 + 3,42 for each additional trademark
Czech Republic	YES	NONE
Denmark	YES  If the documentation shows that it is in fact the same legal entity (e.g. same company ID no.) then it is recorded as a change of legal title. Otherwise it is considered an assignment.	NONE
Estonia	YES	NONE
Finland	YES	NONE
France	YES, as soon as the application is published	NONE, except if the recordal is requested in urgency: 50,00
Germany	YES	NONE
Greece	YES	60,00
Hungary	YES	65,00 (payable in HUF)
Ireland	YES	NONE
Italy	YES, e.g. from SPA (joint stock company) to SRL (limited liability company)	34,00
Latvia	YES	35,00



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Lithuania	YES	34,75
Malta	YES	11,65
Poland	YES	NONE
Portugal	YES	NONE
Romania	YES	25,00
Slovakia	YES	26,50
Slovenia	YES	40,00
Spain	YES	14,69 with a maximum of 2.501,17 in case of several TMs concerned by same recordal
Sweden	YES	NONE
United Kingdom	YES Form TM21 is used to record a proprietor's change of name.	NONE
OHIM	YES, a change of the corporate status of a CTM applicant can be recorded either as a change of name or as a transfer, depending on the transaction.	NONE

## 6. What documentation does your Trademark Office require for the transactions (1-5)?

a) Advise on any notarization or legalization requirements

Country	
Austria 1	Assignments, licences and security interests require a documentation signed by the trade mark owner in notarized form. If the trade mark owner is a foreign legal or physical person, further legalizations are required depending on the applicable treaties (Apostille or chain of attestations up to the local Austrian Consulate).
Benelux	An excerpt of the act or contract in which the transaction (assignment, licence, etc.) appears, or a statement related thereto signed by the parties concerned is accepted by the Benelux Office. For a name change recordal, a copy of an official document attesting the name change is sufficient. For a change of address recordal no documents are required.



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	No legalization and/or notarization is required.
Bulgaria	No notarization or legalization is required.
Cyprus	<p>For <b>assignment</b>, the deed of assignment is required, signed and sealed by both parties.</p> <p>For <b>licences</b>, a sworn affidavit made by the owner of the trademark is required and a statement of case (declaration) is required.</p> <p>For <b>merger</b>, an agreement of merging is required, signed and sealed by both parties.</p> <p>For <b>change of legal title</b>, a confirmatory letter signed and sealed by the relevant authorities of the country where the change has been made (i.e. notary public).</p> <p>A power of Attorney is needed for all the above transactions.</p> <p>Legalization of the Power of Attorney and of all the above documents mentioned. The legalization takes place in Cyprus.</p>
Czech Republic	Czech IPO requires either original document or its notarized copy.
Denmark	The original document or a certified copy suffice, even uncertified copies are from time to time accepted. No legalization is required.
Estonia	<p>To register a license agreement or a pledge contract we need a trademark registration number, an original agreement (or it's notarized copy) with English translation, originally signed by both parties, an originally executed Power of Attorney (notarized or legalization is not required) on behalf of trademark owner or licensee/holder of a pledge, it depends who is going to file the application for registration of the license/pledge.</p> <p>For recordal of assignment we need the following documents:</p> <p>1) If the application is filed on behalf of the assignor, we need the Power of Attorney from the assignor, the trademark application/registration number, the date when the rights were assigned and name and address of the assignee.</p> <p>2) If the application is filed on behalf of the assignee, we need the trademark application/registration number, an original deed of assignment (notarization or legalization is not required) or its notarized copy with English translation, originally signed by both parties and a Power of Attorney on behalf of assignee. If you will assign a part of goods, we need the list of assigned goods. We have to file a partial translation of license and assignment documents into Estonian.</p>
Finland	There is no need of notarization or legalization of original documents. Certified copies should suffice.
France	<p>As from February 27, 2004 original is no longer requested, no legalization.</p> <p>For the recordal of an act <b>modifying the ownership</b> or enjoyment of the rights deriving from a mark, a copy or an extract of such act shall be filed.</p>



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	<p>In case of <b>assignment</b>, the assignment deed shall be signed by both parties.</p> <p>For the recordal of <b>change of name, address or legal title</b> or clerical error: no document is required. However, the Trademark Office may require a document justifying the change.</p>
Germany	<p><b>Assignment:</b> A deed confirming the assignment executed by the assignor including its explicit consent to the recordal of the assignment in the TM Register.</p> <p><b>Security Interest:</b> Application for recordal of the security interest executed by TM owner and Secured Party.</p> <p><b>Merger:</b> Copy of an extract from commercial register or like official document evidencing the merger.</p> <p><b>Change of legal form of the entity:</b> Copy of an extract from commercial register or like official document evidencing the change of legal form of the entity.</p> <p>Notarization/legalization of the abovementioned documents is not required.</p>
Greece	<p>Assignment/license/pledge agreement notarized and legalized with an Apostille. Extract from the Registry of Companies or Merger Certificate duly legalized with an Apostille.</p>
Hungary	<p>No legalization is required.</p>
Ireland	<p>Authorization of agent form executed on behalf of the ultimate proprietor.</p> <p>Certified Copy of the document upon which the transaction is based, e.g. Deed of Assignment, Licence Agreement, Deed of Merger. With regard to an Assignment, the original Assignment document is required if the document is liable to Stamp Duty.</p> <p>Notarization/legalization is not required.</p>
Italy	<p><b>Recordal of an assignment or licence:</b></p> <p><u>Documents needed:</u> In order to record the Trademark Assignment/Licence Agreement at the IPTO, the original or a certified copy of the Trademark Assignment/Licence Agreement signed by all the parties before a Notary Public is required.</p> <p>Apostille or other legalizations depend on where the document is issued.</p> <p>In addition, a Power of Attorney simply signed by the legal representative of the new owner is required. (see also confirmatory assignment documents under point 6. b)</p> <p>As an alternative to the Trademark Assignment/Licence Agreement,</p>



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	<p>the parties can execute a “Declaration to Have Assigned” simply signed. This alternative is based on the assumption that there is an earlier assignment agreement</p> <p><b>Recordal of a merger:</b> In order to record the transfer of trademarks due to merger of companies, a certified copy of the extract of the Register of Companies or a certified copy of the Merger Deed signed by the parties before a Notary Public is required. For both the documents Apostille or other legalizations depend on where the documents are issued.</p> <p><b>Recordal of a change of name, change of legal status and change of address:</b> In order to record a change of name/legal status/address at the Italian Patent and Trademark Office, a Power of Attorney simply signed by the legal representative of the owner with the indication of the new name/legal status/address is required.</p>
Latvia	No notarization or legalization is required
Lithuania	No notarization or legalization is required.
Malta	NO documentation is required.
Poland	<p>The original document of assignment, or its notarized copy, no legalization is required.</p> <p>As regards the recordal of change of name, address or legal title – certified copies are acceptable.</p>
Portugal	<p><b>Assignment:</b> An assignment deed signed by the assignor. If the recordal is requested by the assignor only, the assignee should also be a signatory of the assignment deed or issue an express statement that he accepts the assignment.</p> <p><b>Licence:</b> A licence agreement signed by the parties in the agreement.</p> <p><b>Change of Legal Title:</b> A document attesting the change for example, an extract of the Commercial Register or an official publication.</p> <p><b>Change of Address:</b> No documentation is required.</p> <p>The parties' signatures should be notarized. The Trademark Office may require legalization.</p>
Romania	A certified copy of the document together with a legalized Romanian translation.
Slovakia	In order to meet the legal requirement an original document proving the assignment/merger/licence/security interest/change of legal form



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	or photocopy of the document verified by the Notary Public is required. Notarization of signatures is required only for security agreement.
Slovenia	No notarization or legalization is required if a request for recordal of the change is filed by previous holder of the right. Where the request is filed by the person who has not been entered in the register as the owner of a right, that person shall submit, when filing the request or within three months from the receipt of the invitation, the consent of the owner of the right for the entry of the requested recordal in the register or, of his own choosing, other documents evidencing the legal basis for the entry.
Spain	Notarization or legalization is only requested when it is not signed by both parties the Certificate of recordal either the Document of recordal of such assignment. No document is required with regard to the recordal of change of name, address or legal title. However, the Trademark Office may require a document justifying the change.
Sweden	An assignment form is always necessary for filing an assignment. For recordal of change of name due to a change of legal status, it is sufficient with a register extract from the Company Register showing the change. Powers of Attorney are required for both assignments and changes of name for applications and registrations. No notarization or legalization is required.
United Kingdom	Forms signed by both parties for assignments or copy of the Assignment document are required.  No notarization or legalization.
OHIM	Any document confirming the respective transaction (e.g. assignment, excerpt from the commercial register etc.). There are no formal requirements.

## 6. What documentation does your Trademark Office require for the transactions (1–5)?

b) Are confirmatory documents acceptable?

<b>Country</b>	
Austria	For mergers and changes of the legal form of the trademark owner, a document of a registration authority is necessary (extract from the trade register, confirmation by the registrar and the like depending on the country).
Benelux	YES
Bulgaria	NO, such documents are not acceptable.
Cyprus	Confirmatory documents are only acceptable for the change of legal title. The confirmatory documents need to be signed and sealed by the



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	relevant authorities of the country where the change has been made (i.e. notary public).
Czech Republic	The document must be original or notarized copy.
Denmark	YES
Estonia	
Finland	YES
France	YES
Germany	Confirmatory documents as e.g. extracts from Commercial Registers, are acceptable.
Greece	YES
Hungary	YES
Ireland	YES
Italy	In principle, the confirmatory documents are acceptable, if they comply with the requirements specified under 6 a).
Latvia	YES
Lithuania	YES
Malta	N/A
Poland	YES
Portugal	YES
Romania	YES
Slovakia	YES
Slovenia	NO
Spain	YES, when legalized by a Notary.
Sweden	Only for recordal of changes of name due to a change of legal status.
United Kingdom	YES
OHIM	YES



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## 7. Is recordal of the transactions (1-5) mandatory? YES/NO

a) What are the consequences of non-recordal?

<b>Country</b>	
Austria	<p>NO</p> <p>Only the registered trade mark owner is entitled to assert rights under the Trade Mark Protection Act. This is not so before the courts, for instance in infringement procedures where a change of ownership outside the register can be proved. The failure to register a security interest or a mortgage may permit a third party to acquire the trade mark in good faith without the encumbrance.</p>
Benelux	<p>NO</p> <p>In the event of non-recordal of change in ownership, the transactions are not effective against third parties.</p>
Bulgaria	<p>YES</p> <p>The changes shall not affect any third party.</p>
Cyprus	<p>YES</p> <p>Non-recordal of the transactions means that these transactions are not valid, they do not legally exist and therefore not protected by law.</p>
Czech Republic	<p>NO</p> <p>The recordal is not effective against third parties.</p>
Denmark	<p>NO</p> <p>No legal consequences. It is practical to keep the register updated.</p>
Estonia	<p>NO</p> <p>The Estonian trade mark law does not require the cordal of trade mark license agreements or registered users of trade marks, it is optional. The Committee Member recommends doing it, because this makes it easier to prove the use of the mark in Estonia, when needed. Though, the trade mark use by the licensee is considered actual use of the trade mark, the entry into the official register is not precondition of such proof, but more for information purposes, since the third parties are able to check the legal use of a mark by the licensee. Also it would be recommendable for the licensee to record the license agreement, since if the trade mark owner is willing to withdraw the trade mark from the register, it cannot be withdrawn if the license is registered in respect of the said mark. Thus, it is some kind of guarantee for the licensee.</p> <p>According to the Estonian Trade Marks Act an exclusive right to a registered trade mark may be exercised only by the person who is</p>



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	<p>entered in the register of trade and service marks as the proprietor of the trade mark; the owner of a trade mark shall be obliged to use the trade mark.</p> <p>According to Article 51 (3) of new Estonia Trade Mark Act a trade mark shall be deleted from the register upon the request of an interested person, if during one year since deletion of a company from the commercial register a written application has not been filed for making an entry in the register concerning expropriation or transfer of the trade mark.</p> <p>Also it shall be noted that the recordal of security interest (pledge) shall be regarded being compulsory, since the pledge is actually created by making an entry in the official register.</p>
Finland	<p>An assignment or licence not recorded shall not effect a third party who, in good faith, has obtained the right to the trade mark. Security interest to a trade mark shall not exist until a written agreement has been entered to the Register.</p>
France	<p>NO</p> <p>The change is not effective as against third parties. In case of change of ownership, if this change was not recorded before filing an opposition against the registration of a similar trade mark application, the opposition will be inadmissible. Furthermore, the renewal of a trade mark can only be filed by the registered owner of this trade mark at the time of the renewal application.</p>
Germany	<p>NO</p> <p>According to German TM Act, only the registered owner is entitled to assert rights derived from a trade mark in proceedings before the German Patent and Trade Marks Office, in appeal proceedings before the Federal Patent Court and subsequent proceedings regarding appeals on legal grounds before the Federal Supreme Court.</p> <p>In case of a non-recorded security interest, the registered TM owner may declare to the German Patent and Trade Marks Office the surrender of the mark without the consent of the secured party.</p>
Greece	<p>NO</p> <p>1) Issuance of Renewal Certificate with wrong particulars. 2) Difficulties in defending the mark against a cancellation action or using it as a legal basis to attack another similar mark within term.</p>
Hungary	<p>YES</p> <p>The enforcement of IP rights can suffer delay. In opposition to any third parties which have obtained rights in good faith in exchange for consideration, any rights pertaining to trade mark protection may only be referred to if they have been recorded in the Trade Mark Register.</p>
Ireland	<p>Not mandatory, but advisable.</p>



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	<p>Until an application has been made for registration</p> <p>1. the transaction shall be ineffective as against a person acquiring a conflicting interest in or under the registered trade mark in ignorance of it; and</p> <p>a person claiming to be a licensee by virtue of the transaction will not have protection under the provisions pertaining to licensee's rights in infringement</p>
Italy	<p>NO</p> <p>In Italy, the recordal of a Trade Mark Assignment/Merger/Licence Agreement at the Patent and Trade Mark Office is not required for the validity of the Agreement, or to enforce the Agreement between the Parties, or to enforce the Agreement against infringers of the Trade Mark/s. The recordal of a Trade Mark Assignment/Merger/Licence Agreement at the IPTO is required to enforce the Agreement against third parties that claim rights on the same Trade Mark/s. In other words, if two parties claim right on the same Trade Marks, the party who first recorded the Agreement at the IPTO prevails over the other party, independently from the date of signature of the respective Agreements. For example, if the Trade Mark owner assigns the same Trade Marks to PARTY A and successively to PARTY B, the new owner of the Trade Mark is not the PARTY who first entered into the Trademark Assignment Agreement with the trade mark owner, but the PARTY who <b>first</b> recorded the Trademark Assignment Agreement at the IPTO. Therefore, the main advantage of recording the Trade Mark Assignment/Merger/Licence <b>Agreement</b> at the IPTO is, for the new owner, to obtain the right to enforce the Assignment/Merger/Licence Agreement against other parties who claim rights in the same trade marks. In addition, even if the recordal of a Trade Mark Assignment/Merger/Licence Agreement at the IPTO is not required to evidence the existence of the Agreement between the parties or against infringers, this is however the easiest way to evidence such existence. <b>For the above reasons, in principle, it is advisable to record the Trade Mark Assignment/Merger/Licence Agreement at the IPTO as soon as possible.</b></p>
Latvia	<p>YES, recordal of assignments, mergers, change of legal title are mandatory.</p> <p>NO, recordal of licences, security interests is not mandatory.</p> <p>The Latvian Law on Trade Marks and Indications of Geographic Origin, Article 17 Paragraph 2 provides "<i>The trade mark owner shall immediately notify the Patent Office of any amendments or of mistakes discovered in the information concerning the registration of the trade mark, of changes in the owner's name, of a change of representative, of a desire to eliminate (secondary) elements in the trade mark itself.</i></p>



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	<i>The amendments or corrections may not alter the essence of the mark, affects its distinctive character, extend the scope of rights conferred by the trade mark, change the granted priority, or create any likelihood of misleading the consumers".</i> According to the aforementioned rule the trade mark owner is obliged to inform the Patent Office of the indicated changes. Entries in the State Register of Trade Marks are in force just after their publication and available for inspection by the third persons.
Lithuania	YES N/A
Malta	NO Non-recorded licensee cannot avail itself of the rights provided to licensees under the Trade Marks Act.
Poland	NO It is not effective against third parties.
Portugal	NO The transactions mentioned under 1 – 5 shall not be effective in relation to third parties.
Romania	NO Problems with renewal (The Power of Attorney is signed by another owner).
Slovakia	YES for security interest. NO for license, assignment, merger, change of legal form. Transactions are in force vis-à-vis third parties with the effect as of the date of the recordal of the transactions into the Trade Mark Register. Non-recordal has an influence particularly on enforceability of trade mark rights. Considering that the trade mark rights may be enforced only by the registered trade mark owner/licensee, the assignment/change of legal form/merger/licence is necessary to record into the trade mark register before any proceedings. A right of lien on the trade mark is established on day of its entry into the Register, so if it is no recorded the right of lien does not come into existence.
Slovenia	NO The change is not transparent to third parties; it would be very hard to prove the existence of the change/licence or other recordal in the possible court proceedings or other proceedings when a person wishes to protect his rights.



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Spain	NO  The change is not effective as against third parties. In case of change of ownership, if this change was not recorded before filing an opposition against the registration of a similar trade mark application, the opposition will be inadmissible. Furthermore, the renewal of a trade mark can only be filed by the registered owner of this trade mark at the time of the renewal application..
Sweden	NO  None.
United Kingdom	NO  Until a licence is recorded it is ineffective against a person acquiring a conflicting interest in or under the registered trade mark in ignorance of it.
OHIM	NO  No effects vis-à-vis third parties unless the third party which claims to have acquired rights in the CTM had notice of the transaction in question.  All third parties will be bound regardless of registration where the CTM is acquired by way of transfer of the whole of the undertaking or by universal succession.

## 8. Can assignment be

a) With goodwill?

<b>Country</b>	
Austria	YES
Benelux	YES
Bulgaria	YES
Cyprus	YES
Czech Republic	YES
Denmark	YES
Estonia	YES
Finland	YES



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France	YES
Germany	YES
Greece	YES, but not necessarily.
Hungary	The Hungarian Patent Office does not evaluate goodwill in this relation.
Ireland	YES
Italy	YES
Latvia	YES
Lithuania	
Malta	YES
Poland	YES
Portugal	YES
Romania	The owner's choice (no legal requirements).
Slovakia	YES
Slovenia	NO
Spain	YES, when filing the corresponding notarized document mentioning it.
Sweden	YES
United Kingdom	YES
OHIM	Not governed by CTMR.

## 8. Can assignment be

a) Without goodwill?

Country	
Austria	YES
Benelux	YES



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Bulgaria	NO
Cyprus	YES
Czech Republic	YES
Denmark	YES
Estonia	YES
Finland	YES
France	YES
Germany	YES
Greece	YES
Hungary	The Hungarian Patent Office does not evaluate goodwill in this relation.
Ireland	YES
Italy	YES
Latvia	YES
Lithuania	
Malta	YES
Poland	YES
Portugal	YES
Romania	The owner's choice (no legal requirements).
Slovakia	YES
Slovenia	YES
Spain	YES
Sweden	YES
United Kingdom	YES



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OHIM	Not governed by CTMR.
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## 8. Can assignment be

c) For some of the goods/services/classes of the Registration/Application?

Country	
Austria	YES
Benelux	YES
Bulgaria	NO
Cyprus	YES
Czech Republic	YES
Denmark	YES, if the list of goods from the divided registration are clearly defined. Division of the registration will then be necessary.
Estonia	YES
Finland	YES
France	YES
Germany	YES
Greece	YES, if the goods to be assigned belong to a different class than the remaining ones and are clearly distinct.
Hungary	YES
Ireland	YES
Italy	The assignment can be for some of the goods/services of the Registration or Class. However, it is questionable whether it is possible to assign the same trade mark for part of similar products/services.
Latvia	YES
Lithuania	YES
Malta	YES
Poland	YES
Portugal	YES



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Romania	YES
Slovakia	YES
Slovenia	YES
Spain	YES
Sweden	It is not possible to file for a partial assignment, but it is possible to divide an application or registration and thereafter assign only one of those applications or registrations.
United Kingdom	YES
OHIM	YES, but there are strict rules, e.g. as to how goods and services are divided up.

**9. Must you record all of the transactions separately on the register, e.g. A to B to C to C or would recordal from A to D suffice?**

<b>Country</b>	
Austria	The law is unclear in this respect. If, however, a document can be produced by which A assigns the trademark directly to D, the other assignments which occur inbetween can be neglected. Otherwise all transactions must be recorded separately and will trigger the same fees in each case.
Benelux	Recordal from A to D (one step) would suffice, but the different steps have to be properly documented.
Bulgaria	All of the transactions have to be recorded separately.
Cyprus	All of the transactions have to be recorded separately.
Czech Republic	All of the transactions have to be recorded separately.
Denmark	All of the transactions have to be recorded separately.
Estonia	It is possible to record from A to D, submitting the documents, which prove these changes.
Finland	NO. There should be an unbroken chain of transactions. However one official fee would be enough.
France	All of the transactions have to be recorded separately. Now, the Trade Mark Office will check the chain of ownership.
Germany	Recordal from A to D would suffice provided the documents submitted



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	clearly evidence the transfer of the rights from A to B to C and from C to D.
Greece	All of the transactions have to be recorded separately.
Hungary	A to D would suffice, but intermediary steps must be evidenced too.
Ireland	All of the transactions have to be recorded separately.
Italy	In order to record a transfer in ownership, which includes more than one transfer, we have to file all the steps from the original owner to the last owner, namely A to B to C to D.
Latvia	Recordal of all transactions is not mandatory and generally it would be sufficient to record change from A to D (however supporting documents showing change from A to B to C to D should be provided also in this case), but usually it is preferred to record all transactions.
Lithuania	All of the transactions have to be recorded separately.
Malta	All of the transactions have to be recorded separately.
Poland	All of the transactions have to be recorded separately.
Portugal	All of the transactions have to be recorded separately.
Romania	Recordal A to D suffice (but it is not generally applicable).
Slovakia	It is necessary to record each transaction separately, i.e. from A to B, from B to C, from C to D ....
Slovenia	It is not needed to record all transactions separately which means that only the recordal from A to D suffices; however, the person requesting such recordal must submit with the Patent Office corresponding evidence/documents on each transaction separately.
Spain	All of the transactions have to be recorded separately and the Trade Mark Office checks the chain of ownership.
Sweden	All of the transactions have to be recorded separately.
United Kingdom	All of the transactions have to be recorded separately.
OHIM	No need to record separate transactions if A and D both sign the request for the recordal or if D alone signs it and submit a declaration of registered proprietor or adequate proof of the chain of transactions.