

Leaflet Trademarks in Germany

Duration

The term of protection for the trademark is 10 years, starting from the end of the month in which the trademark application was filed. The duration can be extended for additional periods of 10 years each by timely payment of the renewal fee.

Compulsory use

The law requires that the trademark be used within 5 years from the registration date or from the conclusion of any opposition proceedings. After that, the use of the trademark must not be interrupted for more than 5 consecutive years; otherwise, the validity of the trademark may be challenged.

Opposition

Proprietors of prior marks have 3 months from the date of publication of the registered trademark to file an opposition.

Marking

Once the trademark is registered, you may indicate the protection by using the internationally recognised ® symbol after the trademark.

Monitoring New Applications

If someone else files an application for a trademark identical or similar to yours, the German Patent and Trade Mark Office will not consider your earlier mark under German law and may register the new mark for the other applicant. However, you have the right to file an opposition against such a registration within a 3-month period.

Since the German Patent and Trade Mark Office neither notifies you of new applications nor examines them against existing rights, we recommend implementing a trademark watch. This service evaluates published marks using specific search criteria. If a potential conflict is identified, we will notify you and, if necessary, file an opposition against the registration.

Successfully opposing a newly registered mark is significantly more cost-effective than pursuing cancellation through standard legal proceedings. Additionally, a trademark watch can be instrumental in detecting potential infringements. If you are interested in such trademark monitoring, feel free to contact us.