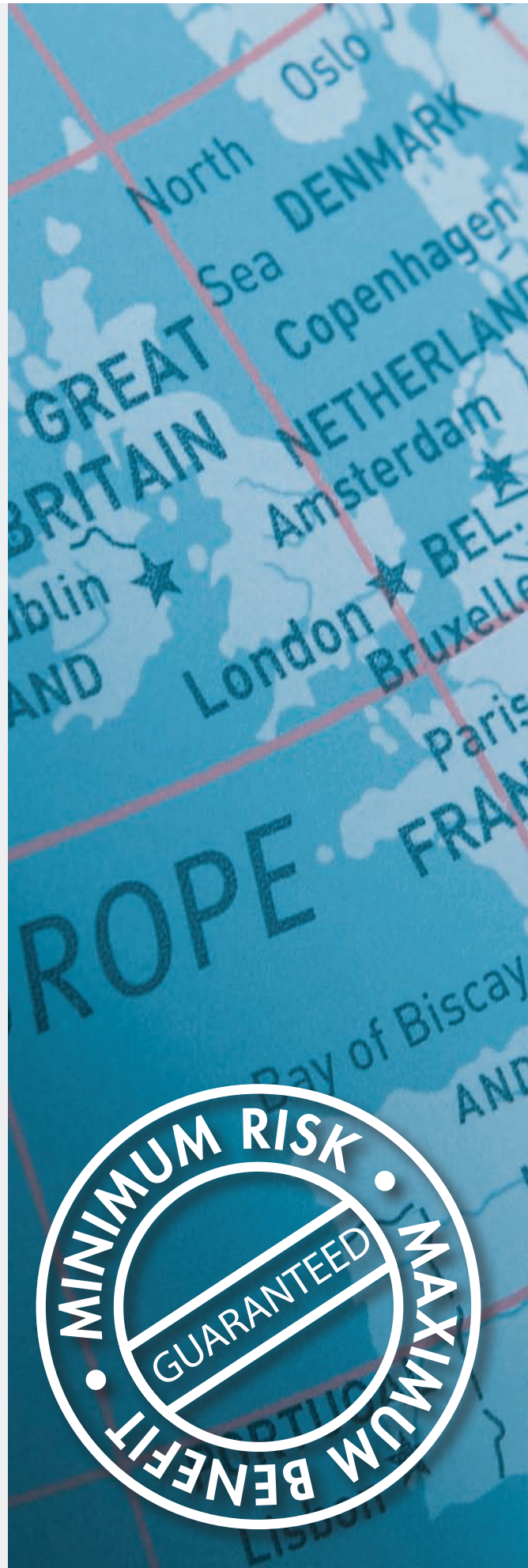




Trademark Availability Search  
in Europe and beyond





## TRADEMARK CLEARANCE SEARCHING MADE EASY

Clearing a new trademark globally or in a specific region can be a tiresome and costly task for in-house and outside counsel.

**With MULTISEARCH®, administered by Knijff Trademark Attorneys, we have found a solution which will make a complicated multi-country search project no longer a challenge.**

It is not easy to be original when creating a new trademark. In the European Union alone there are about 15 million valid trademark registrations, of which approximately 600,000 (December 2009) are active Community trademarks (CTM). The most popular class of goods for these trademarks are class 9, 16, 35, 41 and 42. This situation makes it a real challenge for companies to clear new marks before launching them on the market. As a result, trademark clearance has become more important than ever before.

### DO NOT BE AFRAID OF SEARCHING

*“While conducting a trademark search may not be necessary or even appropriate in every instance, choosing not to conduct a search is not a viable option.” (Case Tommy Hilfiger U.S.A. versus International Star Class Yacht Racing)*

Once a new name has been selected by the creative and/or marketing team, it remains critical to submit the name for a trademark search. Without performing a search, it is almost impossible to know whether another company or individual is already using the same name or a confusingly similar one in the marketplace. A clearance search with a legal opinion on top will also determine whether the proposed name is available for registration.

Trademark professionals who manage a multi-country trademark clearance project are faced with a fairly complicated and time consuming task. But the right strategy will keep the risks to a minimum.

### WHERE DO YOU START IN CASE OF A TRADEMARK CLEARANCE PROJECT?

Before starting your trademark search process it is important to define a clear strategy.

This implies that you have to consider the geographical scope of where the candidate mark will be used. Let's assume that you would like to clear a new trademark (or a few trademarks) in the expanded European Union (EU), which means 27 countries.

First you have to determine the type of mark that will be used (is it a new product or service, is the mark a tagline, is the name an extension of a house brand, etc. ...) and draft a clear description of the goods and services. Determine also how important the mark is and how long it will be used. Last but not least decide on the timeline of the launch as well as your client's risk tolerance.

Based on this strategy, effective searching should be executed.

### WHO TO USE FOR YOUR SEARCH PROJECT?

When faced with clearing trademarks in for example the 27 EU countries, the first hurdle is to find the proper type of search to obtain a well-founded legal assessment on the availability of the candidate marks.

An option is to contact 25 outside counsel firms, but that usually results in a longer turnaround time and an administrative burden, which often also means more costs.

Another option is to consider MULTISEARCH® which has developed different products which each take into account “your clients” key considerations QUALITY, TIME and BUDGET.

The search results are compiled and presented in one report with a uniform format, including an overall legal analysis and summary followed by a clear conclusion. All searches and reports can be customized to meet “your clients” personal needs.

### MULTISEARCH@Scan

In today's information age, the trademark practitioner has ready access to a wide variety of sophisticated databases, many at no charge. However there are a lot of limitations when carrying out online screening searches. Not all PTO databases are available online and easily searchable. And not all countries are included in the database of the commercial search companies. Some search engines only look at identical marks and search algorithms are more limited than in a full search. In such cases additional information must be obtained by contacting local trademark firms, which takes time.

With the MULTISEARCH@Scan you can outsource the initial screening process.

The search report you receive from MULTISEARCH@ provides you with identical and phonetically identical names in the countries of your interest as well as a brief legal opinion on pertinent names found. The service is available in 3 working days at a fixed price.

Generally, only a small number of candidate marks will survive the first round of screening. However, ultimately conducting identical searches is not enough to make good decisions about a trademark's availability. Additional full searches with a local legal opinion and/or an overall legal conclusion or full searches with an overall legal conclusion are recommended.

MULTISEARCH@ offers both solutions, MULTISEARCH@Pro and MULTISEARCH@Lite.

### MULTISEARCH@Pro

To clear the shortlisted marks, as a result of the MULTISEARCH@Scan, full searches have to be conducted in all countries of interest. For the 27 European Union countries this can be done in one or several steps. For example starting in the major EU markets (France, Germany, Italy, Spain and UK cover approximately 60% of all active Community Trademarks) and the secondary markets at a later stage, depending on your time and budget.

Searching in individual countries is one thing, but managing multiple searches on a timetable and budget is another, especially with individual search reports varying from country to country. The challenge is often to interpret and compare the results of the individual reports. Ultimately, the decision has to be made whether a mark is available for use and registration.

MULTISEARCH@Pro is designed to clear a trademark in collaboration with our local experts. This local counsel has firsthand knowledge of the country's trademark laws and practices, trends in decisions by the Registry, local customs, linguistic issues (the EU for example has 23 official languages and many more dialects), etc. This is essential because in an eventual trademark infringement action the

decision of the local judge is based on the same local laws. The search reports will give valuable understanding of the registrability and availability for registration of the mark, and of the availability for use of the mark in each individual country.

In addition to the local reports MULTISEARCH@Pro also contains a summary and analysis of the conclusions of the national reports as well as an overview of the main obstacles in the countries searched. Further a strategy on how the obstacles can best be addressed will be provided by one of our experienced Trademark Attorneys.

The word search reports are available in 5 and 10 working days (for large projects a delivery schedule will be discussed upfront) at a fixed price.

### MULTISEARCH@Lite

Taking into account the substantial price of a MULTISEARCH@Pro and the fact that companies often allocate limited budgets to trademark clearance, we also offer MULTISEARCH@Lite alternatives.

For this type of search the data (full search or a combination of a full and identical search) are analyzed by an experienced Trademark Attorney, who will provide an overall legal opinion on the registrability and availability for use and registration of the mark. MULTISEARCH@Lite reports are available at a fixed price and turnaround time.

A cost-effective way to make a calculated risk assessment of the availability of candidate marks.

### CREATE YOUR OWN PACKAGE

For the MULTISEARCH@Pro and MULTISEARCH@Lite mentioned above it is possible to create your own package of countries taking into account your business needs.

### EUGENO™ BY MULTISEARCH@

"Convenience and efficiency", key features of the MULTISEARCH@Services which are very much valued by our clients. That is why we have developed a special and unique Webplatform, called EUGENO™. This platform allows you to manage your search projects in an efficient way. The reports are made available electronically, in a secure online environment where you can view, edit and print the results; 24/7 from anywhere in the world, without the inconvenience of global time zones or business hours. The tool can also be used for ordering new searches, tracing pending searches and archiving finalized searches.

Do you need an EUGENO™Webplatform login and password call us +31.294.490900 or send an email for your login details to [info@multisearch.info](mailto:info@multisearch.info).

### MULTISEARCH®Add-on

Trademark searches and opinions are indispensable in assessing the risk of adopting a new trademark. Once the results and conclusions of the clearance searches are available you also can use MULTISEARCH® for further investigations on the use of trademarks and other follow-up for your project such as company names, trade names and/ or domain name checks.

### TRADEMARK CLEARANCE PROJECTS - EFFICIENT, RELIABLE AND COST-EFFECTIVE.

Some time ago we conducted a survey, in cooperation with Robin Rolfe Resources Inc., on the costs of in-house trademark searching. The research included in-house trademark counsel from different industries and geographical locations.

The overall conclusion was that using MULTISEARCH® was less expensive than conducting a search in-house, saving corporate law departments over 30-40% of their overall in-house searching expenses. Apart from the higher costs, opportunities to address more productive tasks are also being lost during time spent on in-house searches. Therefore using MULTISEARCH® will allow in-house counsel to use their staff more effectively, promote cost savings in the department, and make it easier to manage the department.

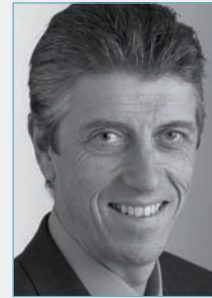
The MULTISEARCH® search services are designed to facilitate small and large trademark clearance projects in an efficient, reliable and cost-effective manner.

### CONTACT US FOR MORE INFORMATION

If you would like to discuss your particular trademark clearance project with one of our trademark professionals, please contact us.



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