

Trademark Registration Funding

The **Ideas Powered for business SME Fund** is a grant scheme designed to help EU-based small and medium-sized enterprises (SMEs) **protect their intellectual property (IP) rights**. The SME Fund is a European Commission initiative implemented by the European Union Intellectual Property Office (EUIPO) and will run from **22 January 2024 to 6 December 2024**.

Protecting your intellectual property is a must in the digital age. It's a legal route to avoid having your unique ideas, products, or services copied or used without your permission. **The SME Fund can help you protect many different assets, including trademarks, designs, patents and plant varieties.**

The importance of having an **innovative trademark**, which is also **attention-grabbing for attracting a greater number of consumers** to one's product and service, is well known.



Registering for a trademark

Registration gives you the unique advantage of not only having a distinctive and robust trademark but of also enjoying **exclusive rights to both name and logo**.

Primarily, one would need to decide what is the type of trademark that is being registered;

- **Word Mark** – This mark exclusively consists of words, letters, numbers, and/or other standard typed characters.
- **Figurative mark** – This mark is represented by non-standard characters or images and graphic features which do not include any text.
- **Figurative with words mark** – This mark contains text whilst also containing pictures, graphics or images with words or letters.
- **3D mark** – A three-dimensional mark which is represented using a three-dimensional shape. This may include containers or product packaging.
- **Pattern mark** – This mark exclusively consists of a set of elements which are repeated regularly.
- **Sound mark** – This mark consists exclusively of a sound or of a combination of sounds.

National trademark and EU trademark

An entity can register a trademark on both **national** and **international** levels. A national trademark gives protection only in Malta, while an EU trade mark gives its owner an exclusive right in all current and future EU Member States.

If the Trademark is to be registered at a national level, then each respective national authority would be the governing body; in Malta, the governing body would be the **Commerce Department**. If the Trademark is to be registered in the European Union, then the **EUIPO** is the governing body where the application must be filed.

Pricing and Funding

The application fees for trademark registration are currently set at **€115 for the local Commerce Department** and **€850 for the EUIPO**. The application fees quoted from the respective offices are just basic fees to register a trademark under one class of goods or services. There are other charges should an entity for example wish to check if there is a similar trademark before applying or to register the trademark under more than one class. The **registration is valid for 10 years** after which there is a renewal charge.

The grant consists of a partial reimbursement of costs to the beneficiary, up to a maximum of **€1,000 per beneficiary in the case of trademarks and designs** and **€1,500 per beneficiary in the case of patents**.

It is important **to apply for the grant voucher before submitting the application for the trademark registration**.

Steps to benefit from the SME Fund

1. Apply for the grant.
2. Receive your grant award and vouchers.
3. Request and pay for Intellectual Property services.
4. Get reimbursed.
5. Implementation period.

The EUIPO registration process includes a **three-month opposition period**.



How DFK can assist?

As DFK, **we can apply for the grant and the trademark registration** on behalf of our clients. This will include ensuring that the application is in line with the requirements of the respective office. We will also **monitor the trademark application progress and will keep you informed regarding any communication from the respective offices** such as oppositions filed by third parties.

This article reflects the guidelines published by European Union Intellectual Property Office as at 4th April 2024.

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*The objective of this summary is to outline the principal elements of the rules being summarized herein. Accordingly, it is not intended to be provided by way of comprehensive and definitive advice. Interested parties should seek professional advice by contacting DFK Malta Tax & Consultancy Limited before acting upon any information included in this document.