### Differences between a CTM and an International Registration (IR) designating the EU

<table>
<thead>
<tr>
<th>Legal and practical differences between routes</th>
<th>Direct CTM</th>
<th>IR designating the EU</th>
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<tr>
<td><strong>Persons who can be proprietors</strong></td>
<td>Art. 5 CTMR</td>
<td>Art. 2 (1) (i) MP</td>
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<tr>
<td></td>
<td>Any natural or legal person</td>
<td>National of a Contracting State, or domiciled in a contracting State or having an effective industrial or commercial establishment in a Contracting State of the Protocol</td>
</tr>
<tr>
<td><strong>Languages</strong></td>
<td>Art. 119 CTMR</td>
<td>Art. 145 CTMR, R 126 CTMIR, R. 9 (5)(g)(ii) CR</td>
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<td>- 1st from the official languages of the EC; - 2nd from the 5 of OHIM (and different from the 1st) *</td>
<td>- 1st language = language of the IA which is always a language of OHIM; - 2nd from the 4 remaining languages of OHIM</td>
</tr>
<tr>
<td><strong>Translations of list of goods and services</strong></td>
<td>Art. 120, 121 CTMR, R. 85 (5) CTMIR</td>
<td>Art. 152 CTMR</td>
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<tr>
<td></td>
<td>In all official languages of the EC</td>
<td>Re-publication in Part M1 limited to Class numbers, no multilingual elements re-published and no translations needed</td>
</tr>
<tr>
<td><strong>Priority</strong></td>
<td>Art. 29 CTMR, R. 6 CTMIR</td>
<td>Art. 4 (2) MP, R. 9(4)(a)(iv) CR</td>
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<td></td>
<td>A priority claim can be made in the CTMA or within a two-month period of the filing date</td>
<td>A priority claim (normally of the basic application) can be made at the moment of filing an international application</td>
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<tr>
<td><strong>Seniority</strong></td>
<td>Art. 34, 35 CTMR, R. 9 CTMIR</td>
<td>Art. 34, 35 CTMR, R. 9 CTMIR</td>
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<td>At the moment of filing or within 2 months thereof. Seniority can also be claimed after registration of the CTM</td>
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</tr>
<tr>
<td><strong>How to file?</strong></td>
<td>R. 80, 82, 83 CTMIR</td>
<td>R. 9(2)(a) CR</td>
</tr>
<tr>
<td></td>
<td>- forms mailed, faxed, delivered in situ - e-filing</td>
<td>WIPO MM2 or MM3 Forms sent - through an office of origin for IAs; - through the office of the Contracting State</td>
</tr>
</tbody>
</table>
| Where to file? | Art. 25 CTMR  
- at OHIM;  
- at a national offices of an  
EU Member State,  
including Benelux | Art. 2(2) MP, R. 1 (xvi) CR  
- through an Office of Origin |
| --- | --- | --- |
| Time limits for examination | No time limit for AG and  
RG examination | R. 112 (5) CTMIR, Art. 5 (2) (b) MP  
- 6 months for AG;  
- 18 months maximum for issuing  
provisional refusal on any grounds |
| Classification | Art. 28 CTMR, R. 2 CTMIR  
Examined by OHIM | R. 9 (4) (a) (xiii), 12, 13 CR  
Examined by the Office of Origin and the  
IB, accepted by OHIM |
| Formalities | Art. 36 CTMR, R. 9 CTMIR  
Examined by OHIM | Art. 3 MP, R. 9 CR  
Examined by the Office of Origin (not  
necessarily same typology of marks for  
example) |
| Absolute grounds examination | Art. 37 CTMR, R.11 CTMIR  
Ends by the publication of  
the CTMA in Part A of the  
Bulletin for opposition  
purposes | Art. 154 CTMR, R. 112-113, 116 CTMIR  
6-month period to examine AG starts by  
re-publication in Part M of the Bulletin of  
the IR designating the EC. Ends by the  
sending of a first Statement of Grant of  
Protection or a Provisional Refusal on AG |
| Relative grounds examination | Art. 41- 42 CTMR, R. 15- 22  
CTMIR  
- 3-month opposition  
period only opens as from  
publication of the CTMA if  
and when it has been  
accepted on AG  
- Proof of use: 5 years  
counted back from the  
publication of the CTMA | Art. 156 CTMR, R. 114-115 CTMIR  
- Fixed period to oppose from month 6  
until month 9 of the first republication.  
Provisional refusal sent to WIPO based on  
existence of admissible opposition. Then,  
no difference in opposition procedure  
compared to direct route (except  
withdrawal of the IR done before the IB).  
- Proof of use: 5 years counted back from  
the opening of the opposition period (6  
months after the first re-publication of the |
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Publication</strong></td>
<td>For opposition: Art. 39 CTMR, R.12, 84 and 85 CTMIR&lt;br&gt;CTM Bulletin: - Part A, CTMA (applications) - Part B, CTM (registrations)&lt;br&gt;R. 32 CR, Art. 152 CTMR&lt;br&gt;- International Gazette (seniority details and refusals are only published there); - CTM Bulletin Part M at 2 different moments (second language only published there)</td>
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<tr>
<td><strong>Rights conferred against third parties</strong></td>
<td>Art. 9 (3) CTMR&lt;br&gt;From the date of publication of the registration of the CTM&lt;br&gt;- Reasonable compensation for matters arising after the publication of the CTMA in certain cases&lt;br&gt;Art. 151 (3) CTMR&lt;br&gt;- From the date of the second re-publication of the IR designating the EC in the Bulletin&lt;br&gt;- Reasonable compensation for matters arising after the first re-publication of the IR designating the EC in the Bulletin</td>
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<tr>
<td><strong>Register, recordals and certificates of registration</strong></td>
<td>Art. 120 CTMR, R. 24, 84 CTMIR&lt;br&gt;CTM Register kept by OHIM&lt;br&gt;Art. 5 ter, 9 bis MP, R. 14 CR&lt;br&gt;International Register kept by the IB</td>
</tr>
<tr>
<td><strong>Inspection of files</strong></td>
<td>R. 89 (2) CTMIR&lt;br&gt;Inspection after publication of CTMA&lt;br&gt;R. 89 (2) CTMIR&lt;br&gt;Inspection after re-publication of IR (before AG examination)</td>
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<tr>
<td><strong>Use requirements</strong></td>
<td>Art. 15, Art. 42 (2), Art. 51 and Art. 57 (2) CTMR&lt;br&gt;Art. 160 CTMR&lt;br&gt;5 years from Registration Date&lt;br&gt;5 years from the date of the second re-publication</td>
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<tr>
<td><strong>Dependence</strong></td>
<td>N/A&lt;br&gt;Art. 6 (3) MP&lt;br&gt;Dependence between the IR and the basic mark during 5 years from the date of the IR</td>
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<tr>
<td><strong>Conversion</strong></td>
<td>Art. 112 CTMR&lt;br&gt;- conversion into national marks&lt;br&gt;Art. 159 CTMR, R 122, 123 CTMIR, Art. 2 (20) MP, R. 24 (2)(a)(ii), (6), (7) CR&lt;br&gt;- conversion into national marks; - “opting back” into designations of Member States</td>
</tr>
<tr>
<td>Division</td>
<td>Art. 44, 49 CTMR, Rule 13a, 25a CTMIR</td>
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Abbreviations:
AG = Absolute grounds for refusal
Art. = Article
CR = Common Regulations
CTM = Community Trade Mark
CTMA = Community Trade Mark Application
CTMFR = Community Trade Mark Fee Regulation
CTMIR = Community Trade Mark Implementing Regulation
CTMR = Community Trade Mark Regulation
EN = English
EU = European Union
FR = French
IA = International Application
IB = International Bureau
IR = International Registration
MP = Madrid Protocol
MS = Madrid System
NA = Non Applicable
OHIM = Office for Harmonization in the Internal Market
RG = Relative grounds for refusal
R. = Rule
SP = Spanish
* 22 languages (Irish will be used as from 2012).