

Registration of a Trademark in Malta

A trademark can be registered and thus acquire protection in Malta by filing an application at the Industrial Property Registrations Directorate within the Commerce Department.

A completed Trademark application form can be submitted online to this office via an easy 5-step wizard available 24/7 on the Intellectual Property (IP) portal at <http://ips.gov.mt>. Should one prefer to submit an application by post or email, a soft copy of the Trademark application form can be requested by emailing our office on ipoffice@gov.mt. Please note that the electronic filing of a Trademark application is the preferred method to submit a Trademark application due to the various benefits over the manual application including:

- it is a **straight forward process** which uses a 'wizard' tool that guides you through the whole process;
- you can **file a new application 24/7** from the comfort of your own home or office;
- you will **immediately receive an acknowledgement** of your filing by email;
- you will also be **immediately assigned** a Trademark application number;
- an applicant or representative who files electronically, can **find his/her details already in the system** for their subsequent applications;
- in cases where you **have multiple classes for the same mark you can fill in one trademark application** (instead of multiple applications in case of manual applications) – you will be assigned a different Trademark number for each class and this office will then process each class as a separate application;
- you can **save and resume your work at any point** in time during the filling in of the application on line;
- it **facilitates search and identification of the correct goods or services** for trademarks and the correct class for designs;
- you can **pay immediately using a credit card** or via bank transfer.

The filing fee for a trademark application is **€ 116.47**. A trademark application must also contain a list of goods or services for which the Trademark in question will be used. The attached document provides the class headings for the different classes of goods or services. Please note that a Trademark application should contain only one class of goods or services. Further information and assistance on TM classification can be found on the following link: www.tmdn.org and click on TMclass.

Should you be considering filing an application for the registration of either a 'Figurative Mark' or else a 'Figurative with words mark', kindly make sure of the following requirements when filing on-line:

- JPEG is the standard file type used to represent the mark you are applying for. The maximum individual file size cannot exceed 1MB and should be:
 - Maximum image size: 1000 x 1000 pixels (8.5cm x 8.5cm)
 - Minimum image size: 600 x 600 pixels (5cm x 5cm)
 - Maximum: 300 DPI
 - RGB colour type
- In case of a trademark application submission by ordinary mail, a digital copy of the figurative mark (ie. logo) is to be submitted together with the application form on a CD. In case the trademark application is submitted by hand the digital copy of the figurative mark as well as the application form is to provide to this office on a USB (a data storage device)

that will be returned). (Applications received without a digital logo will be assigned a Trademark Number and a Filing date but will be kept pending until a digital copy of the logo is sent to the office on ipoffice@gov.mt).

It is also recommended that a Trademark search is carried out in both the national and the European Union Trademark databases, so as to check whether there are any prior registrations or applications with which your application may conflict. The search can be carried out directly online by clicking on TMView at www.tmdn.org. TMview is also accessible on the IP portal at <http://ips.gov.mt>. Alternatively, if you would like the office to carry out the search on your behalf please send an e-mail on ipoffice@gov.mt indicating the Trademark and the goods or services to be covered by the mark. The cost of the search is € 11.65 per 3 words or 3 figurative elements searched for each class of goods or services.

Trademark Protection in the EU:

If you do business in more than one EU country, a European Union Trademark (EU Tm) offers you protection throughout the EU. EU trademarks are registered at the European Union Intellectual Property Office (EUIPO) in Spain. An EU trademark gives the owner protection for all EU Member States in one single registration. The EU Tm is an all-or-nothing deal, either one gets protection over all Member States or else no registration is given at all.

An online EU trademark application costs €850 and an application in paper format costs €1000. Filing of a EU trademark on-line is highly recommended in order to ensure efficiency in processing and accuracy of data and can be done from the following link: <https://euipo.europa.eu/ohimportal/en/online-services>.

Benefits of registering a European Union Trademark include:

- A single EU Tm registration, filed online, in one language, is valid in all EU Member States;
- The EU trademark grants its owner an exclusive right in all current and future Member States of the European Union at a reasonable cost;
- You can enforce your trade mark in a market of almost 500 million consumers.

Further information on the European Union trademark can be found at www.euipo.europa.eu.

Please note that our office is open from Monday to Friday from 08:00am to 12:00pm and from 13:30 to 15:30pm during the winter and from 08:00am to 12:15pm during the summer. Should you require further assistance do not hesitate to contact this office forwarding your query on this email.