

International TRADEMARK SEARCHING

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We recommend that international searches be conducted in stages. The starting point to search the availability of any international brand is to conduct a Worldwide Identical Screening Search (“WISS”) or a Regional identical Screening Search (“RISS”) both of which can be done on-line. It is prudent at the same time to conduct a search of domain name availability.

A WISS or RISS search may immediately suggest lack of availability. If so, no further expenditure on searching is warranted. However, most frequently the results of a WISS or RISS search suggest that a mark *may* be available, subject to follow up information. In such cases, we suggest that in-country on-line preliminary screening searches be conducted in the jurisdictions of interest. These, too, can proceed in stages, with a preliminary check of the U.S., U.K. France and Germany, for example, followed up with various jurisdictions.

The purpose of the screening search is to determine quickly if there is an obvious block to registration of a mark. It is a quick way of getting a “no” answer before incurring the costs of more complete “full” searches, or more extensive in-country screening searches. A screening search for a single country is typically about \$100, exclusive of attorney fees for report and analysis of the results.

We can currently conduct on-line screen searches in the following jurisdictions:

NORTH AMERICA

United States
Canada

PACIFIC RIM

Australia
Japan
New Zealand

EUROPE

Austria
Benelux
Czech Republic
Denmark
Finland
France
Germany
Hungary
Italy

Liechtenstein
Monaco
Norway
Poland
Spain
Sweden
Switzerland
United Kingdom
Community Trademarks
International
Trademarks

A screening search does not necessarily disclose current status of a mark. Therefore, if a mark clears the preliminary screening stage, we recommend that more thorough investigations be conducted.

In certain jurisdictions, such as New Zealand, we can do more extensive searches using the on-line searching capabilities of trademark offices. In jurisdictions where rights are based on registration only, such searching can be sufficient. In common-law jurisdictions such as the U.K., U.S., Canada and Australia, “full” searches should be conducted.

In those instances where we are unable to conduct the more thorough searches and check status, we typically work with our associate counsel and arrange for them to do the more exhaustive research and report back to us with the results.

The cost of more thorough searches varies depending on the number of marks to be researched and, when necessary, associate counsel fees and expenses.