

Trade Mark Applications - Evidence of use

The purpose of the questionnaire is to obtain some information regarding your use of your trade mark in the European Union (EU). We will then use this information to compile a declaration for your signature.

The aim is that this evidence of your use will help to demonstrate your reputation in the mark in the EU. This is usually to show that the mark is now distinctive, but may also support your case in an opposition.

The countries of the EU, together with abbreviations that can be used on this form, are listed below.

AT	Austria	DK	Denmark	IE	Ireland	PL	Poland
BE	Belgium	EE	Estonia	IT	Italy	PT	Portugal
BG	Bulgaria	FI	Finland	LV	Latvia	RO	Romania
HR	Croatia	FR	France	LT	Lithuania	SK	Slovakia
CY	Cyprus	DE	Germany	LU	Luxembourg	SI	Slovenia
CZ	Czech Republic	GR	Greece	MT	Malta	ES	Spain
		HU	Hungary	NL	Netherlands	SE	Sweden

Application No:

Class:

Mark:

Questionnaire on use

The following questions should be answered as fully as possible. Should there be any other prevailing factors which influenced the extent to which you have used the mark or which help to establish your proprietorship thereof, please give us full information thereon. Please note that the European Union Intellectual Property Office (EUIPO) is interested in details of use of the mark in the EU only. Use of the mark in other countries is not considered relevant. Please continue on a separate sheet if necessary.

Section 1: Who will be making the declaration?

Please give full name:

Address:

Position in the applicant company (if appropriate) :

Length of service:

a) with the company:

b) in the present capacity:

Section 2: Use of the trade mark

Date of first use of mark in question in each country:

Has the use been continuous since then to the date of the present application?

Yes	No
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If no, please give details:

For what goods or services has the mark been used in the EU?

If used for different goods or services at any time please give details:

If the user at any time has been different from the present applicant, please give details and say how the user and the applicant are/were related:

Has the use of the mark been continuous throughout all 27 EU countries?

Yes	No
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If no, please list (on a separate sheet of paper if necessary and as exhaustively as possible) the EU countries in which your goods have been sold or services performed.

Section 3: Turnover

Please state, by monetary value and by units, your annual turnover (for each EU country) in the goods/services with which the mark is used. If possible, please cover all years since the mark was first used. If past records are not completely available, please give the figures for at least the last five years, preferably for ten years:

COUNTRY	YEAR	TURNOVER BY MONETARY VALUE	TURNOVER BY UNITS	COUNTRY	YEAR	TURNOVER BY MONETARY VALUE	TURNOVER BY UNITS
UK (only use up to 31 December 2020 relevant)				Other (please state)			
France				Other (please state)			

Germany				Other (please state)			
Italy				Other (please state)			
Spain				Other (please state)			
Other (please state)				Other (please state)			

Please continue on a separate sheet if necessary.

Are they complete years, calendar years or financial years?

If the latter, please give the year-end date:

Are the figures ex-factory, wholesale or retail value (excluding VAT)?

If ex-factory or wholesale, what is the approximate multiplier to retail value?

Section 4a: Advertising costs

Please state the amounts spent over at least the past five years in relation to advertising the mark in each EU country (including the cost of the publicity/advertising material detailed at Section 4b and Section 5):

COUNTRY	YEAR	COST OF LABELS, LETTERHEADS, SHOW CARDS, ETC.	COST OF ADVERTISING	OTHER COSTS
UK (only amounts spent up to 31 December 2020 relevant)				
France				
Germany				
Other (please state)				
Other (please state)				
Other (please state)				

Other (please state)				

Please continue on a separate sheet if necessary.

Are these calendar years or financial years?

If the latter, please give the year-end date:

Section 4b: How is the mark publicised or advertised?

a) Do you advertise the goods and the mark in the press? If yes, please give names of periodicals etc. concerned and attach samples or photocopies of publicised advertising materials:

b) Have you advertised the goods on radio or television? If so, please give full details of time, duration and frequency of such advertisement. Was the mark spoken in the advertisement? If so, how was the mark pronounced?

c) Have you advertised the goods/services on the internet, for example banner adverts, online directory listings or sponsored search results such as Google Adwords? If yes, please give full details of time, duration, country targeted and frequency of such adverts, including printouts/artwork and 'click through' data if available.

d) Please provide details, including domain names/web addresses, of any of your own websites that use or feature the mark. When were the domain names first registered? How long have the websites been 'live' and featured the mark? Can you supply data on website visits?

e) Have you ever promoted the mark via social media, e.g. Facebook, Twitter or Instagram? If so, please provide full details of your social media accounts and the number of 'likes' or 'followers' as appropriate (including historic data if available) for each EU country if different.

f) What press or media coverage, besides paid for advertising, has the mark received, particularly as a result of your PR activity? Please provide full details of publications country, dates, reach/audience figure, and a clipping of any articles if available.

g) Is there any other way in which the mark has been used, e.g. on vehicles, exhibition stands, not covered by the above? If yes, please give details.

h) If the goods or services are addressed to a highly specialized expert market, please explain. If they are not advertised, please say why not.

Section 5: How is the mark used (indicate all that apply)?

- a) Has it been embossed, printed, transferred, or otherwise applied directly to the goods?
- b) Has the mark been used on labels or tags attached to the goods?
- c) Has the mark been used on packets, boxes, cartons, crates or the like containing the goods?
- d) Is the mark printed on your stationery?
- e) Is the mark printed on your invoices?
- f) Do you issue show cards or like display devices displaying the mark?
- g) Do you issue pamphlets, brochures or the like bearing the mark?

Yes	No

Please send samples or photocopies of any use made in the above forms.

Section 6: Supporting evidence

In certain instances, the EUIPO may require supporting evidence (e.g. a declaration) from independent persons in the trade affirming that they recognise the mark as yours and they understand the goods bearing the mark originate only from yourselves. Usually about twelve such declarations from persons in countries throughout the EU, together with one from a trade association, are necessary.

a) Would you be able to provide names and addresses of appropriate persons, if necessary?

Yes	No
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b) If your answer to a) above is yes, we suggest that the compiling of an appropriate list of persons whom we can contact should be commenced should the Registrar request trade evidence.

Section 7: Further details

Please give details of any other use of the mark or any other factors not covered by the above:

Important:

Please return this questionnaire with samples or photographs of the goods, letterhead, labels, invoices, circulars, leaflets, tickets, price lists, or any other matter on which the mark has appeared. Please note that it is most important to include not only current printed matter but also material dating from the earliest use of the mark, or as close to that as possible. Please also note that it is only use prior to the date of the filing of the trade mark application that will be taken into account. Evidence that is dated (e.g. monthly magazines) is significantly more useful than undated evidence.

Contact Us

For more information on Mewburn Ellis LLP and other intellectual property matters, please visit our website at www.mewburn.com. If you have the name of a contact email firstname.lastname@mewburn.com or mail@mewburn.com.