



LUCY LEGAL

TRADE MARK SERVICES TERMS AND CONDITIONS

It is important to us that you understand the scope of the services that we will deliver to you and on what timescales so that you know what we need from you when and so that you know what to expect from us.

We have set out our terms below, if you have any questions, please get in touch before you make your purchase.

Important

All of our trade mark services are provided to you in a consultancy capacity. We act as your representative but not your lawyer or solicitor. As such, our services are information only. If you would like legal advice, please let us know and we can transfer you to the law firm.

Trade Mark Application Services

Following the initial call, we shall summarise our discussion and offer you the chance to work with us. Our trade mark application service is for UK trade marks and includes: searches and checks as to the availability of your chosen trade mark, suggestions on the most relevant choice for classes, drafting the class specification, filing the application and managing all correspondence with the IPO.

We can support you with an application for an international trade mark, these terms will apply with additional timescales, we will confirm those to you by email.

See below the flow diagram which sets out the overall process and timescales of a UK trade mark application. The service level that you can expect from us is:

1. We will start off with an initial call to discuss your application;
2. You'll get an email summary of the call within 24 hours of the initial call;
3. We will let you know in our summary email when we will be able to complete our report. No further action will be taken until we hear from you that you wish us to manage your application. We understand that you may need time to consider your options and investment, that is absolutely fine.
4. Should you wish to proceed, an invoice will be sent to you for our consultancy fees. We will wait for receipt of payment until we start work. Initial trade mark calls usually take place on a Wednesday. We will hold a spot to complete our searches and the report for the week following our call, if we haven't heard from you with confirmation that you would like to proceed by the Tuesday of the following week and received your payment by then, we may not be able to hold a spot for you for that week and we will instead give you the next available slot (usually the following week). We will confirm the next available spot and when you expect our report by email. If you need an application filed quickly, let us know and we will try and meet your timescales;

5. We will send you a report on the search results, class options and draft class specification proposal within 7-10 days following receipt of payment;
6. We are happy to answer any questions arising from our report via email so that you have all of the information you need before applying;
7. We will submit the application for a UK trade mark once receiving your final instructions;
8. We will send you a confirmation email once the application has been filed, there will then be a wait of up to 40 working days until we receive confirmation from the trade mark office on their review of the application;
9. Once the trade mark office is content with the application it will be entered into the trade mark Journal for at least two months and we will confirm the relevant dates to you;
10. We will send you at least two updates once the trade mark has been entered into the trade mark Journal. Should we receive any communications from interested third parties we will contact you and update you via email; and
11. As our services are bespoke, once you have paid your fees we will start work for you and as a result the consultancy fees will be non-refundable if you change your mind. Once submitted to the trade mark office, the fees are also non-refundable. Your statutory rights to a refund are not affected. Should you have any questions or concerns about your trade mark application please get in touch as soon as possible and we can arrange a meeting to support you further.

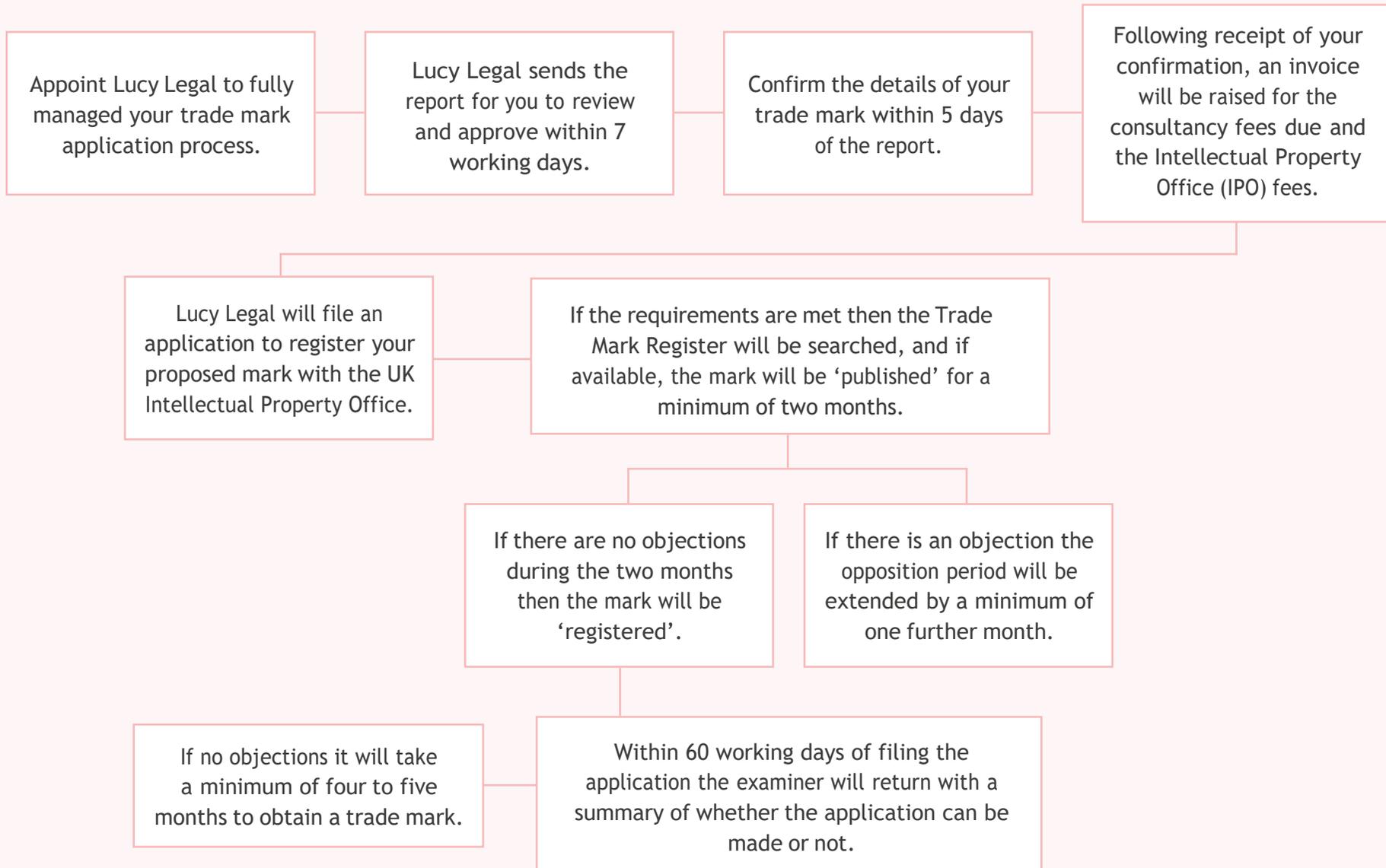
Trade Mark Representative Service

1. This service is available to all those whose mark we have obtained through our managed service. We can also support you if you did not obtain your trade mark through us, however, additional fees will apply in order for us to complete the necessary checks and paperwork to assign the representation to us.
2. The representation service means that the Lucy Legal Limited name and contact information will be stored with the trade mark office so that if we are the first point of contact by the IPO. Other third parties may mistakenly contact you rather than us so do ensure your contact information is kept up to date with us and on the register.
3. We will manage all correspondence from the trade mark office and alert you to any new applications which are alerted to us by the trade mark office. We will provide you with an initial view on whether you should oppose the new application. Please ensure that you review and respond to this correspondence promptly as there is a short timeframe. We will not be held responsible for your delay or failure to respond.
4. Our service is subscription based and runs from month to month, if you would like to end your subscription simply email us: trademarks@lucylegal.co.uk and we can arrange to end the representation service. There is no minimum representative service. If you change your mind within the first 14 days of your subscription let us know and we can provide you with a refund.



LUCY LEGAL

THE TRADE MARK APPLICATION PROCESS





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THE TRADE MARK APPLICATION PROCESS

Now that we've discussed how your business works and what you would like to protect/trade mark, here's an outline of what you can expect if you choose to go ahead, both in terms timescales and type of support we offer you.

1. We offer a fully managed application service, whereby we handle the whole process so that you can carry on running your business whilst we look after everything for you.
2. Once you have confirmed you would like to go ahead following our call, we aim to get the report back to you to review and approve within 7 working days. We undertake some initial checks before getting started in case the trade mark you want is already taken. Once those initial checks have been completed, and so long as the mark has not already been taken, we will get started with the main part of the discovery phase, whereby we undertake various further searches to consider the availability of the trade mark and any other similar marks.
3. During this process we also consider what classes may be relevant for you to apply for and the specification within that class based on what you have shared with us about your business and how it operates now and how it may in the future. We will send you a report considering the availability of your proposed mark for you to review.
4. If you then decide that you would like to progress and register the marks, you then confirm the details of your trade mark within 5 days of the report so that the search results remain as current as possible. Keeping to this timescale is important to ensure the research doesn't become out of date by the time the application is submitted.
5. Following receipt of your confirmation, an invoice will be raised for the consultancy fees due and the Intellectual Property Office (IPO) fees. These fees are set by the IPO and no additional administrative charges are applied by way of consultancy administration. Once the application has been filed the IPO fees are non-refundable. Please also be aware that if you decide to add an additional class at a later date then the higher fee of £170 will apply again so please do give full consideration to the way your business will use the mark in both the short and the long term and any protection your business might require from the trade mark in the future.
6. We will then file an application to register your proposed mark with the UK Intellectual Property Office, who will examine it for compliance with the statutory requirements.





THE TRADE MARK APPLICATION PROCESS

7. If the requirements are met then the Trade Mark Register will be searched, and if available, the mark will be 'published' for a minimum of two months, this period is known as 'the opposition phase'. If there are no objections during the two months then the mark will be 'registered'. If there is an objection the opposition period will be extended by a minimum of one further month. Within 60 working days of filing the application the examiner will return with a summary of whether the application can be made or not. From time to time they raise objections and it may be that slight modifications or amendments need to be made.

At this point the examiner will also confirm if they anticipate that there could be "customer confusion" between the chosen mark and any existing marks. If so, the examiner will write to the current existing mark holder and alert them to your intended registration. The mark holder will have two months to raise any objection.

8. If all goes to plan, without any objections, it is likely to take a minimum of four to five months to obtain a trade mark.

9. If you are successful in your application to register your trade mark, we can also provide ongoing support and monitoring of your mark to help you to continue to protect your brand.

