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Field of law: Trade mark law

Author: Lawyer Jan Haßold

### **Patents vs trade marks:**

#### What you should know about protecting your intellectual property

In today's business world, protecting intellectual property is crucial. Terms such as 'patent' and 'trade mark' are commonly used, but their specific meanings and differences are not clear to many. This article highlights the key differences between patents and trade marks, their scope of protection and their relevance to businesses.

#### **Apply for a patent: Definition and purpose**

A patent is a property right granted by the state for technical inventions. It grants the inventor the exclusive right to use the invention for a certain period of time and to prohibit third parties from using it. In order to be patentable, an invention must be new, industrially applicable and based on an inventive step (Section 1 (1) PatG). Patents promote technological progress by incentivising research and development.

#### **Register a trade mark: Definition and purpose**

A trade mark serves as a sign that distinguishes the goods and/or services of one company from those of other companies. This can be done using words, logos, colours or other signs. The main purpose of a trade mark is to identify the origin of products or services and to strengthen consumer confidence in their quality. Brands strengthen the identity of a company and increase its recognition value.

#### **Patent vs. trade mark: scope and duration of protection**

- **Apply for a patent:** A patent grants the owner the exclusive right to produce, use, sell and/or licence the patented invention. The term of protection is usually 20 years from the filing date. After this period, the invention can be used by anyone.
- **Trade mark protection:** Trade mark protection begins with registration in the trade mark register and can theoretically be extended indefinitely, provided the relevant fees are paid and the trade mark is used in the course of trade. This enables companies to build up a strong brand identity in the long term.

#### **Application procedure for patents and trade marks**

- **Apply for a patent:** Applying for a patent requires a detailed description of the invention, including technical drawings and functionalities. After filing the application, the patent office examines the novelty, inventive step and industrial applicability of the invention. The examination process can take several years.
- **Trade mark protection:** The trade mark application involves filing an application with the desired sign and an indication of the goods or services for which the trade

mark is to be used. The procedure is generally less complex and therefore usually much quicker than for patents.

### **Costs for patents and trademarks**

- **Apply for a patent:** Due to the complex examination process, the costs for a patent are higher than for other property rights. A patent in a country like Germany can be acquired from around 10,000 euros.
- **Protect a trade mark:** The costs for a trade mark application are generally lower than for patents. The exact fees vary depending on the country and scope of the application. Below are four examples of trade mark offices that are frequently consulted:

#### **Overview of trade mark costs DPMA:**

<https://www.dpma.de/english/services/fees/trademarks/index.html>

#### **Overview of costs for trade marks EUIPO:**

<https://www.euipo.europa.eu/en/trade-marks/before-applying/fees-payments>

#### **Overview of trade mark costs IGE (CH):**

<https://www.ige.ch/en/intellectual-property/guide/trade-marks/costs>

#### **Overview of costs for brands UKIPO (UK):**

<https://www.gov.uk/government/publications/trade-mark-forms-and-fees/trademark-forms-and-fees>

### **Patent vs. trade mark: significance for companies**

Both patents and trade marks are crucial for the protection of a company's intellectual property:

- **Patents:** they protect technical innovations and secure a competitive advantage for the company by preventing competitors from using the same technology. A strong patent portfolio can increase a company's value and serve as proof of its innovative strength.
- **Brands:** They strengthen a company's identity and increase its recognisability among consumers. Strong trade mark protection prevents other companies from using similar signs that could lead to confusion.

### **Conclusion: Patents and trade marks as the key to sustainable corporate success**

The effective protection of intellectual property is essential for companies. Patents protect technical inventions and secure innovative advantages, while trade marks strengthen the identity and recognition value of a company. A comprehensive understanding of both protection mechanisms enables companies to secure their values and be successful in the long term.

**Do you need support in protecting your intellectual property?**

If you are planning to apply for a patent or to protect your brand, we are at your side with our expertise. Contact Röhl - Dehm & Partner for personalised advice and secure the best possible protection for your intellectual property.