

## Information In Relation To Certification Trade Marks

The Trade Marks Act 1996 allows for the registration of Certification Marks.

The Act defines a *Certification Mark* as a “mark indicating that the goods or services in connection with which it is used are certified by the proprietor of the mark in respect of origin, material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics.”

A Certification Mark shall not be registered if the Applicant carries on a business involving the supply of goods or services of the kind certified.

Any person or organization may apply to register a Certification Mark, so long as they indicate who is authorised to use the mark, the characteristics to be certified by the mark, how the certifying body is to test those characteristics and to supervise the use of the mark, the fees (if any) to be paid in connection with the operation of the mark and the procedures for resolving disputes.

A Certification Mark must be capable of being represented graphically and must be capable of distinguishing the goods or services of those authorised to use the mark, from those of other undertakings.

Unlike standard trade marks, a Certification Mark, may be registered if it consists of a sign or indication, which may serve, in trade, to designate the geographical origin of the goods or services.

An applicant for a Certification Trade Mark must supply a copy of the regulations governing the use of the mark within six months of the date of Authorisation to Proceed and pay the prescribed fee (€125.00).

The regulations should show:

- Who is authorised to use the Mark.
- The characteristics to be certified by the Mark.
- How the certifying body is to test those characteristics.
- How the certifying body supervises the use of the Mark.
- The fees to be paid in connection with the operation of the Mark.
- The procedures for resolving disputes.
- The procedures for amending the Regulations. (Amended regulations must be filed with the Controller and do not come into effect until approved by the Minister.)

When filing the regulations, the Applicant should not submit any material which does not relate specifically to the seven criteria listed above

When the Application has been examined, the Controller may authorize the application to proceed if he can confirm that the applicant is competent to certify the goods or services for which registration is sought, and the regulations governing the use of the mark are deemed to be satisfactory.

The application must be submitted to the Controller, who will examine the application and prepare a report for the Minister of Jobs, Enterprise, & Innovation. Upon receipt of Ministerial approval, the application will then be allowed to proceed to acceptance and advertisement in the Patents Office Journal

The Controller may require that the Mark contain an indication that the mark applied for is a Certification Mark.

An application for a Certification Trade Mark is subject to the following fees:

|                                     |         |
|-------------------------------------|---------|
| On application to register the mark | € 70.00 |
| For each additional class           | € 70.00 |
| On filing of regulations            | €125.00 |
| On registration of the mark         | €177.00 |

*Updated December 2015*

*Note. This information is intended as merely as a guide and does not purport to be a legal interpretation.*