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Certification Trademarks in the European Union



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The new European trademark law is in force since 23 March 2016. One major issue of the new Union Trademark Regulation is the introduction of Certification Trademarks.

What is a certification trademark?

A Certification Trademark indicates that the certified products meet certain standards. The idea of certification trademark is to distinguish certified products from common goods. Particular certified standards could for example be:

- Quality;
- accuracy of goods;
- method and mode of manufacture (industrial or not);
- material used for the production;
- performance of services;
- or any other characteristic (like maximum/minimum consumption of electricity).

In the future such Certification Trademarks could become a reference which could be used in advertising to convince consumers about the assets of certain products.

A Certification Trademark must neither indicate the geographical origin of goods and services nor be misleading in any kind of way.

How does a certification trademark look like?

A certification trademark looks like an ordinary trademark. It could be a word, name, logo, or device but in practice it would look like a symbol or a seal. In general, a Certification Trademark is not an indication of origin, but indicates e.g. that certain material was used for the product. For example, the famous Woolmark logo does not tell you anything about the manufacturer of a T-Shirt. Instead, it indicates what material was used for the clothing. This mark certifies that the fabric is pure new wool.

Ideas for new European Certification Trademarks

For example, the following Logos could be applied as Certification Trademarks:



For food that's free of animal products: no meat, milk, eggs



For products in accordance with the ISEAL Code of Good Practice on Standard Setting



For energy efficient products

How do I apply for a Certification Trademark?

You can apply for a certification trademark in a similar way you would for an ordinary trademark; the application is filed with the European Union Intellectual Property Office. The difference is that a copy of the rules applying to the use of the Certification Trademark must also be supplied within two months after filing the trademark.

Who certifies the standard of the goods or services?

Furthermore, rules governing the certification process have to be implemented in the regulations. The regulations governing use shall specify 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.

Who is allowed to use the certification trademark?

Unlike trademarks and service marks, an owner of a certification mark must not carry on a trade or business involving the supply of goods or services certified by the Certification Trademark. The owner of the mark authorizes others to use the certification mark. Therefore, the regulations governing use must specify the conditions of use of the mark, including sanctions. Everybody who meets these criteria is allowed to use the trademark.



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