



INTELLECTUAL PROPERTY GUIDE FOR EXPORTERS

EUROPEAN
UNION

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Introduction

This guide is part of a collection designed to help Brazilian exporters protect their Intellectual Property (IP) assets in the countries they wish to export to.

Each country has its own particularities regarding the IP system and this volume is dedicated specifically to the European Union (EU).

The European Union is an economic bloc that brings together 27 countries on the European continent, namely: Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Slovakia, Slovenia, Spain, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Czech Republic, Romania and Sweden.¹

The European Union has distinct centralized IP systems for trade marks, designs, and plant varieties (via the European Intellectual Property Office - EUIPO and the Community Plant Variety Office - CPVO), and a regional patent system via the European Patent Office - EPO.

The guide is divided into three parts. In the first, we indicate reliable sources where you can deepen your knowledge about Intellectual Property. In the second, we present the European Union's IP system, providing guidance on how to protect your IP assets in the country and addressing issues to consider before you start exporting there. At the end, we provide information on what to do if you suffer any type of violation of your rights.

Our goal is to provide you with important, clear and practical information, so you can confidently navigate IP challenges and make the most of export opportunities to the European Union.

Before you start exporting

Before starting your export process, what steps need to be taken in the Intellectual Property area before exporting?

1. Know what IP is;

¹ From 2021, due to Brexit, the United Kingdom left the EU.

2. Deeply know and protect the IP of your business in your home country;
3. Develop a strategic export plan that includes IP-related issues;
4. Investigate if there is anything similar to your IP assets that is already protected in the countries you want to export to;
5. Protect your IP in these countries and only after that ²;
6. Take your product or service overseas.

This guide will tell you:

1. The main mistakes of exporters in the area of IP;
2. Where to learn more about IP and about IP and export;
3. Where and how to protect your IP in Brazil;
4. Where to conduct research if there are already IP assets similar to yours in other countries;
5. What is the European Union's international IP legislation;
6. Where and how to protect your IP in the European Union;
7. Where to protect your IP in each of the countries that are part of the European Union;
8. Some cost estimates of this process;
9. What to do to protect yourself in case your IP rights are infringed.

We hope this will be a facilitator in your export process!

² Brazilian exporters benefit from international agreements such as the Paris Convention, Madrid Protocol, and Hague Agreement, which allow for streamlined IP protection in the EU. These tools are covered later in the guide.

Key Intellectual Property pitfalls to avoid before exporting

When expanding to international markets, overlooking Intellectual Property (IP) can result in unexpected costs, legal risks, or the loss of valuable rights. Below are five key IP-related areas to assess and plan carefully before beginning your export journey:

1. Did you know that your trade mark, your patent and your design are only valid in the country where they are registered?

One of the most common mistakes made by exporters is not knowing that Intellectual Property rights, such as trade marks, patents, designs and geographical indication, are **TERRITORIAL**. This means that, although we live in a globalized world, IP rights are not. They are valid only in the country or territory in which they were protected.

The only exception to this rule is that which is protected by copyright since protection of rights of artistic and literary works, among others, are not be subject to the fulfilment of any formality, nor depend on the existence of protection of the work in their country of origin, regardless of registration. Even so, copyright enforcement still depends on national laws and, for the purpose of defending your right, registration or deposit of the work can be useful as evidence of authorship or ownership in case of disputes or enforcement actions.

All other intellectual property rights need to be protected **IN EACH COUNTRY** where you wish to export, so that you have rights to these assets.

Thus, BEFORE you start your export activities, it is crucial that you decide WHERE you want to protect your IP assets. This is a fundamental decision that must be made with caution and planning, as the costs involved can be high.

2. Secure IP protection before disclosure!

Disclosing an invention, design, or brand before filing for protection can permanently prevent you from obtaining IP rights — particularly in countries like those in the EU, which require absolute novelty for patents and industrial designs.

We are sure that you do not want to have your IP copied, inadvertently made public, or protected by a third party. Imagine, for example, not being able to use your own trade mark in another country because someone else has already registered it before you.

Always secure your rights before showing your products, participating in trade fairs, or launching your brand internationally. When planning your international expansion, pay special attention to protecting your IP assets. This way, you'll avoid unpleasant surprises and maintain control over your resources.

Remember: **what guarantees the right to IP in a territory is its REGISTRATION/GRANT, and not just its use.**

3. Do you want to protect yourself from being sued for IP infringement lawsuit in another country? Conduct prior IP searches in target markets!

Before exporting, check whether similar trade marks, patents, or designs already exist in the destination country. This can help you avoid infringing on third-party rights and facing legal disputes.

Most countries make databases available for research in their IP offices. You can make an online query in these systems to check if there is any prior notice that may make your request unfeasible. This prior research can help you save a lot of time and money. In addition, there are also international databases that allow research to be carried out. Several of them are indicated in this guide.

In Europe, there are accessible IP tools such as EUIPOs TMview or DesignView or the EPOs Espacenet, for Patents, which are free-search databases to support this step.

4. Don't assume your IP Rights will be recognized abroad!

Many exporters think that if they have obtained an IP right in one country, they will automatically get the same right in another. Unfortunately, this is not true! For instance, IP rights granted in Brazil do not automatically apply in other countries, even if the laws seem similar. Always take into account that each country or region has its own procedures and examination criteria.

Therefore, in general, there is no guarantee that what was granted in one country will also be granted in another. Each nation has its own particularities and requirements when it comes to protecting Intellectual Property, which makes each country's decision **INDEPENDENT**.

In the European Union, some IP rights can be protected in all 27 countries with just one application. This is the case for trade marks and designs, which can be registered through the EUIPO, and for plant varieties, through the CPVO. These EU-wide systems make protection easier and more affordable. But for other rights, like patents, you still need to go through national procedures or apply through the EPO.

That's why it's important to always verify the rules of each target country — even within the EU — and never assume “automatic” recognition.

5. Include IP in your export strategy from the start!

A well-prepared **EXPORT PLAN** is key to international success. Many exporters make the mistake of neglecting IP-related issues when planning their export activities. However, it is essential to consider intellectual property as an essential part of this process.

Your trade marks, patents, designs, and other IP rights are often among your company's most valuable assets. Therefore, it is essential that your planning is careful and that it includes a detailed analysis of your IP assets.

Since IP protection is territorial, you will need to decide in advance where you want protection. Costs can vary significantly depending on the number of countries, so careful planning is essential.³

In terms of deadlines for applying abroad, since Brazil is a member of the Paris Convention, you can claim a “right of priority” after filing your first application at home, or in any other member of the convention.

This means you have a period of 12 months (for patent and utility model), and 6 months (for industrial design and trade mark), to apply for protection in any other country, without losing the “right of priority”. During this period, no one else can claim rights to the same invention or creation in those countries ahead of you. But once the deadline passes, if you haven't filed, your IP may become available to others in countries where you didn't seek protection.

We highlight that this happens when you choose to make national filings, in each country individually. There is also the option of making international deposits, in a group

³ Some important questions that need to be answered in strategic planning: why, what, when, where, with whom, how, and how much it costs to export.

of countries, at once, through WIPO, which makes the process much easier. We'll provide more details on this option later.

For these reasons, it is essential that you make a good strategic planning regarding the IP area in the initial phase of the project, even before starting export actions, when you decide to protect your IP assets. This way, you'll avoid missing opportunities, reduce risk, and lower unnecessary costs.

By prioritizing IP planning in your export project, you will be taking a crucial step towards the success of your business in the international market.

Courses on Intellectual Property

Intellectual Property is traditionally divided into three branches:

- **Copyrights** that protect works in the literary, scientific and artistic domain, for example literary, artistic and software works;
- **Industrial property**, such as trade marks, patents, utility models, industrial designs, and geographical indications; and
- **Sui generis protection**, such as the protection of new plant varieties.



If you wish to deepen your knowledge of IP before deciding to use it when exporting to the European Union, you can consult the schedule of free courses on the subject available on the website of the National Institute of Industrial Property (INPI).



You can also participate in the free IP course, in Portuguese, offered twice a year by WIPO, called: DL 730 "Executive Course on Intellectual Property and Exports".



EUIPO Academy provides a wide range of free eLearning courses, webinars and videos on IP rights in the EU, including trade marks, designs, enforcement and IP strategy.





Intellectual Property information and tools for companies

There are many free tools available to help businesses explore how Intellectual Property can support growth, innovation, and internationalization. These include self-assessments, planning resources, and step-by-step guides — all especially useful for small businesses preparing to export.





INPI and EUIPO offers guides on intellectual property for businesses that can help you explore the possibilities of IP for your company.

Table 1: INPI and EUIPO Information and tools on IP for companies

Tools	Link
IP Information for Businesses - INPI	
EUIPO SME Portal – A practical platform with tools, funding opportunities, and IP advice tailored to businesses operating in or exporting to the EU.	

Below are some helpful tools offered by WIPO.

Table 2: WIPO IP information and tools for businesses

Tools	Link
IP Information for Businesses	
IP self-diagnostics for businesses	
IP Guides for Businesses *	
Strategic IP Walkthrough for SMEs	

* Some of the guides provided by WIPO, in Spanish, English and French, are:

1. **Secrets of Intellectual Property: A Guide for Small and Medium-sized Exporters;**
2. Inventing the Future: An Introduction to Patents for Small and Medium-sized Enterprises;
3. Making a Mark: An Introduction to Trademarks for Small and Medium-Sized Enterprises;
4. Looking Good: An Introduction to Industrial Designs for Small and Medium-sized Enterprises;
5. Exchanging Value - Negotiating Technology Licensing Agreements: A Training Manual;
6. A Guide to Intellectual Property for Startups; among others.

How to protect your Intellectual Property in Brazil

Before you start exporting, consider protecting your IP in Brazil. Here we indicate the step-by-step process for trade marks, patents, industrial designs, protection of plant varieties and copyrighted works.

Table 3: Step by step for filing Intellectual Property in Brazil









Type of IP	Institution	Link
Trade marks	National Institute of Industrial Property (INPI)	
Patents	National Institute of Industrial Property (INPI)	
Industrial Designs	National Institute of Industrial Property (INPI)	
Plant Variety Protection	Ministry of Agriculture and Livestock (MAPA)	

Table 4: Institutions for voluntary registration of copyrighted works in Brazil

Type of Copyrighted Work	Institution	Link
Musical Works	School of Music of the Federal University of Rio de Janeiro (UFRJ)	
Architectural Works	Council of Architecture and Urbanism of Brazil (UCC)	
Audiovisual Works	National Film Agency (ANCINE)	
Computer Programs	National Institute of Industrial Property (INPI)	

Intellectual Property Rights Institutions in the European Union

Each the EU country has its own national IP office (with Benelux sharing one for Belgium, the Netherlands, and Luxembourg). For EU-wide protection, the EUIPO grants trade marks, designs, and GIs for craft products. The CPVO covers plant varieties, and the European Commission manages agricultural GIs. Patents are granted by the EPO and require national validation.

In the EU, the **European Patent Office** (EPO) is the body responsible for granting patents in the region.



The **European Union Intellectual Property Office** (EUIPO), in turn, is the agency responsible for the registration of trade marks, designs and geographical indications related to handicrafts and industrial products in the EU.



The **European Commission** is the body responsible for the registration of geographical indications related to agricultural products, foodstuffs, wines and spirits.



The **Community Plant Variety Office** (CPVO) is the agency responsible for developing the system of protection and the granting of IP rights for plant varieties, valid throughout the European Union.



In relation to copyright, there is no institution that centralises this issue in the EU. Copyright protection is governed by the national laws of each Member State, harmonized to a certain extent through EU directives. As a result, there is no single EU-wide copyright registration system. Protection arises automatically upon the creation of the work, without the need for formal registration.

However, some EU Member States offer voluntary deposit or registration systems that can serve as evidence of authorship or ownership in case of disputes. For example:

- **Spain:** authors can register their works with the **Registro de la Propiedad Intelectual**;
- **Italy:** certain works can be registered with SIAE (**Società Italiana degli Autori ed Editori**);
- **France:** creators can use mechanisms like the Soleau envelope through the **French National Institute of Industrial Property (INPI)** or make a deposit with a notary.⁴

In addition, private solutions such as notarial deposits, blockchain timestamping, and digital time-stamping services are widely used across the EU to establish proof of authorship and date of creation.

These tools are optional but can be valuable in facilitating enforcement of copyright if infringement arises, both within the EU and internationally.

Where to conduct your IP search in the European Union

How to search if an IP is already protected abroad? How to check if it already exists in the EU?

As we said, before applying for an IP right in another country, you need to check if your trade mark, invention, design or plant variety already exists and if it is already protected.

If you find something similar in the market you want to explore, it may be difficult to get the protection you want.

Your search should include the Internet, social media, international IP search databases, and databases from the country where you are filing.

Make sure your search is as comprehensive as possible, to avoid future unnecessary costs.

⁴ INPI has produced “Intellectual Property Guides for Exporters” for more than 20 countries, including European ones. You can find these Guides on the link below.



With the advancement of Artificial Intelligence technology, in a short time it will be much easier and faster to investigate if there are already protected assets similar to the ones you want to protect.

Trade mark search

Before applying for a trade mark, you can start by searching the EUIPO's EU database for trade marks related to goods and services similar to yours. **TMview** includes trade marks from all EU Member States, it also covers a wide range of non-EU countries across Europe, as well as regions in Africa, Asia, the Americas, and Oceania. TMview contains more than 126,8 million trade marks and allows users to search by keywords, numbers, dates, classes, territories and offices.



You can also look at the **eSearch plus**, to check for existing trade marks registered for goods and services similar to yours. This step can help you avoid conflicts, reduce costs, and better assess whether your application is likely to succeed.



Madrid Monitor allows access to international applications and registrations made through the Madrid System, with millions of trade marks from its 131 member countries. In this database, your search can include words, numbers, images, dates, classes, and countries.



You can also search the global tag database. WIPO's **Global Trademark Database** contains data from more than 80 countries and includes trade marks, designations of origin and official emblems.



If you find the process complex, you can hire an IP professional to help you.

Patent search

Before applying for patent protection, you must ensure that your invention is new and involves an inventive step. To be considered new, the invention must not have been disclosed anywhere in the world before the filing date (not even by you!). This requirement applies whether you're seeking protection through the EPO or through a national IP office in the EU.

To check whether your invention is already known or published, you can use several free online patent databases. These tools will help you identify similar technologies (known as prior art) before preparing your application.

You can start your search on **Google Patent Advanced Search**, which allows you to search by name, date, inventor, applicant, patent office, and language, among other options. This database is great for quick overviews, but less precise than official databases. For this reason, always verify the results with **Espacenet** or **Patentscope**.



Espacenet was developed by EPO and is the most comprehensive European-focused patent database, with over 140 million documents from more than 100 countries. You can search by keywords, applicant name, inventor, patent number, classification, or filing date.



At the **European Patent Register**, linked to the Espacenet, you can find if a patent is still in force.



You can also search WIPO's **Patentscope**, which contains data on more than 120 million patents and is very useful for searching **international patent applications** filed under the **Patent Cooperation Treaty (PCT)**. You can search by title, abstract, name, and filing date.



Examiners from the INPI have prepared, based on material provided by WIPO, a Guide that indicates how to perform a search on **Patentscope**.



Patent search can be complex — even more than trade mark or design searches. Consider contacting a patent attorney, or asking for support from INPI Brazil or the EPO Helpdesk if needed.

Design search

To register a design in the EU, it must be **new** and have **individual character** — meaning it must clearly differ from designs already made public anywhere in the world.

Even if your design was only published on a website or social media, this can count as public disclosure. In the EU, you have a **12-month grace period** after disclosure to apply. After that, protection may no longer be possible.

Your search needs to include, in addition to design databases, other sources such as trade mark and patent databases, the Internet, and social media. Any similar results, even if they are not registered, may prevent your right to register the design.

At the **DesignView** database you can find designs from across the EU and parts of Africa, Asia, America, and Oceania. You can search by name, number, designer, Locarno classification, filing date, and country.



The **Global Design Database** is a worldwide collection of data organized by WIPO, from deposits made through the Hague System and information from participating offices. You can search by description, name, depositor, date, and country.



If you are unsure whether your design is protectable, it's a good idea to seek advice from an IP professional or your national IP office.

New Plant Variety search

If you want to sell or license your plant variety in the EU, you will need to do an international search to verify that the variety of your plant is new and distinct. First, you can check the internet if you can find any disclosures of varieties similar to yours.

Then, you can search in databases of new plant varieties in the country where you want to protect and market your new variety. In most of them, you will find information regarding the common name of the plant, genus, species, title holder, and term of protection.

In the EU, there is a plant variety database in the **Community Plant Variety Office** (CPVO), with information on plant registers from more than 70 countries.



You can also search the International Union for the Protection of New Varieties of Plants (**UPOV**) database of plant varieties called **PLUTO**, which provides name results for plant varieties protected by members of UPOV and other international organizations. To access PLUTO, you will need to create a user account.



Because aggregated databases may omit recent, national-only or unregistered information, always complement your search with the official registers of your target countries (and general internet checks) before filing.



If you have trouble using the national plant variety authority's database, contact its helpdesk for guidance.

Relevant data on Intellectual Property in the European Union

Trade marks

A trade mark is any sign that identifies your goods or services and distinguishes them from others. In the European Union, a trade mark is acquired through **trade mark** registration, which is valid for **10 years** and **can be renewed indefinitely every 10 years**.

An EU Trade Mark (EUTM) filed at EUIPO is a single, unitary right valid in all 27 EU Member States. It does not extend to the United Kingdom.

The types of trade marks in the EU are: nominative, figurative, figurative containing words, three-dimensional (may include packaging or the product itself), three-dimensional with words, positional, pattern, single-color, colour-combination, sound, motion, multimedia, and holographic. In addition to individual marks, the EU system also provides collective and certification marks to indicate membership or compliance with defined standards.

There are four paths to trade mark protection in the EU:

1. **National Route:** The registration of a **National Trade Mark** in the IP offices of the countries to which you wish to export.
2. **Regional Route:** The registration of a **European Union Trade Mark (EUTM)** with the European Union Intellectual Property Office (EUIPO), which with a single registration protects your trade mark in the 27 countries of the EU.

To make this registration, the process is simple, involves a single group of fees and can be done in English, French, Spanish, German or Italian. Any natural or legal person, from any country in the world, can apply for a EUTM.

EUIPO examines absolute grounds; potential conflicts with earlier rights are mainly raised during a three-month opposition period after publication.

3. **International Route (Madrid System):** You can seek protection in several countries with a single application, one set of fees and one language (English, French or Spanish) through WIPO's Madrid System. File via your Office of origin

(in Brazil, INPI) and designate the countries or regions where you want protection.

WIPO checks formalities, records the international registration and notifies each designated office. Those offices then examine the mark under their own law and may refuse protection within set time limits; if no refusal issues, protection is granted as if filed locally. Designating the European Union produces an EU Trade Mark (EUTM) examined and administered by EUIPO—the same right as filing directly at EUIPO.

The Madrid route lets you manage renewals, ownership/address changes and later add new markets (subsequent designations) centrally. Note that for the first five years the international registration depends on your Brazilian basic filing; the goods and services cannot exceed that basic list; you may need a local representative to answer a provisional refusal; and the United Kingdom must be designated separately, as it is not covered by an EUTM.

4. Regional Route via Madrid System: file one international application under WIPO's Madrid System and designate "European Union" to obtain an EU Trade Mark (EUTM). EUIPO examines and administers the same right as a direct EUTM filing.

The path you choose will depend on the needs of your business. Later in this guide, cost links are provided so that you can make analyses that facilitate your decision process, as well as links to make deposits, of each of the IP rights presented here, through the different existing routes.

Patents

A patent is a right granted for an invention. It can take the form of a new product, process, a use, or technical improvement to an existing technology. They are granted for inventions that are new, involve an inventive step and are industrially applicable.

The maximum term of a **Patent** in the EU is **20 years** from the date of filing. There is the possibility of Supplementary Protection Certificates (SPCs), referring to medicinal and plant-protection products and medicines. SPCs are granted by each EU Member State on the basis of a national or European patent (including a European patent with unitary effect) the term of patent protection by up to **5 years**.

The SPC application must be filed within six months of the first EU/EEA marketing authorisation for the product or—if that authorisation predates the patent grant—within six months of the patent grant. For eligible paediatric medicines, the SPC can be extended by an additional six months, subject to the applicable legal requirements.

There is no single “EU patent” granted by an EU institution. Protection for the EU market can be obtained in three ways, which you may combine depending on your strategy:

1. **National Route:** you choose the EU countries of your interest and make national deposits individually.
2. **Regional Route:** European Patent Office (EPO) – “classical” European patent. File one application under the European Patent Convention. The EPO examines centrally. If the patent is granted, you validate it in each country where protection is needed. After validation, it takes effect as a bundle of national patents, with country-specific requirements (translations where required, fees, and deadlines) and renewal fees paid per country. Use the European Patent Register to track grant, validations and legal status.

The EPO serves the states of the European Patent Organisation (EU and non-EU). For the current list of member states, see the EPO website.⁵

Regional Route generating the European Unitary Patent (EUP): After the EPO grants a European patent, you may—within one month of the publication of the mention of grant—request unitary effect. If registered, the patent becomes a single Unitary Patent covering the participating EU Member States (currently 18). Renewal is paid once at the EPO; no national validation is required (apart from a temporary single translation during the transitional period). Coverage is fixed at registration and may expand for future EUPs as more states join. Check the current list on the EPO/UPC websites.

⁵ As of October 2025, the EPO member countries are: Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, North Macedonia, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

The current EUP countries are: Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia and Sweden.⁶

A Unitary Patent has one renewal fee at the EPO and no national validation formalities (aside from a temporary translation requirement).

However, since participation and coverage evolve; check the EPO/UPC sites for the current list.



- 3. International Route:** Since EU countries are signatories to the Patent Cooperation Treaty (PCT), you can also choose the countries you want within the International Patent System of the WIPO PCT. Through this system, with a single patent application, in one language and a group of fees, you can apply for protection in more than 150 countries at the same time.

The international application via PCT has two phases: international and national.

- International Phase - There are two ways to file an international application: directly at the Office of a country that is part of the PCT (where the applicant is domiciled or a national of this country); or, at the International Bureau of WIPO.

When making the international filing, it is necessary to indicate an Office that is approved by the PCT to carry out the international search (*International Search Authority – ISA*), among those indicated by the country where the international filing took place.

The language of the international application must meet the one defined by the country in which it was filed and the chosen ISA. In case Brazil is chosen as ISA, the deposit can be in Portuguese, English or Spanish.

- National Phase - After the international phase, usually 30 months from the date of international filing or priority (if any), you must apply for the examination of your patent directly with the countries in which you are interested.

⁶ The other 7 countries that are in the process of joining the PUE are: Cyprus, Czech Republic, Greece, Hungary, Ireland, Poland and Slovakia. (This data refers to October 2025).

At the end of the process, you can have the patent for your invention, if granted, in each country you chose. **The decision of each country is independent of the others.**

Entry into the national phase can be requested in any country that is part of the PCT, adapting your international PCT application to the legislation of that country.

Regional Route via PCT: After a PCT application, you may enter the European regional phase at the EPO; if the patent is granted, you can validate nationally or request unitary effect as described above.

Thus, in Europe, you can either apply for patents directly with the national offices of the countries, or through the EPO or the WIPO PCT. Unlike the PCT, in case the filing is made with the EPO, the examination is carried out by the EPO, and not by the national offices of the elected countries, and the decision is the same for all countries. After the examination is carried out by the EPO, when the patent is granted, you choose the countries where you want it validated and you will have to pay fees for it in each of the chosen countries. You will have a patent in each country, but the examination will have been done solely by the EPO.

If you wish to apply for an accelerated processing of a patent, EPO offers the Accelerated Prosecution of Applications – PACE and also operates a Patent Prosecution Highway program (PPH) with Brazil.

Utility Models

There is no EU-wide utility model (UM). Protection exists only under national laws and differs by country (requirements, scope and term typically 6–10 years). UM protection is possible through national applications in the following countries: Austria, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Poland, Portugal, Slovakia and Spain.

Some countries allow conversion between patent and utility model or offer a fast-track; seek local advice in the markets that matter to you.

For more information, please go to the respective countries National IPOs service desk.

Design

Designs protect the appearance, physical form, configuration, decoration, colour, or pattern of a product.

In the EU, the protection of a **Design** is **5 years** from the date of registration and can be renewed up to four times, totalling a maximum protection of **25 years**.

There are four paths to register your ID in the EU.

1. **National Route:** The National ID registration, where you need to apply for protection directly at the IP offices responsible for the registration, in the countries of your interest.
2. **Regional Route:** The Regional ID registration, with the EUIPO, which protects your ID with a single application and a single fee in the 27 EU countries;
3. **International Route:** The registration of an international ID through the Hague System, which allows you to choose the countries where you want to have your ID protected, with a single application, among the more than 90 countries participating in the WIPO System;
4. **Regional Route by International Route:** You can also register your regional ID with the EUIPO using the international design registration system of the WIPO Hague System.

Remember: public disclosure can affect the registrability of your design! However, if the disclosure was by the designer or rights holder, the EU offers a 12-month grace period to file. Also, EUIPO allows deferred publication (up to 30 months). This helps if you need to keep a design confidential before launch.

The EU also recognises an unregistered EU design (UED). It arises automatically upon first disclosure in the EU and lasts three years. It protects against copying; independent creation is not infringement. If you rely on UED, disclose first in the EU.

Recent changes make EU design protection more practical and modern. The term “EU design” is replacing “Registered Community Design.” Protection now clearly covers digital and animated user interfaces. A permanent repair clause limits protection for visible spare parts used to restore a product’s original look. You can also file multiple

designs in one go with more flexible grouping. Check EUIPO for the latest procedures before filing.



Geographical Indications (GIs)

GIs protect **product names** whose **qualities, reputation or other characteristics** are essentially linked to a **specific geographical area**. Protection is, in principle, **indefinite**, provided the **registered product specification** and **control system** are maintained.

You generally cannot apply for a GI as an individual exporter. GIs are filed and managed by producer groups; use is allowed to producers in the defined area who meet the specification and control plan.

Who manages GIs? There are two EU schemes:

- European Commission – GIs for agricultural products and foodstuffs (PDO/PGI), wines and spirits.
- EUIPO – GIs for craft and industrial products (e.g., ceramics, textiles, glass, cutlery, musical instruments). Adopted in 2023, the EU GI system for craft and industrial products applies from 1 December 2025. From that date, producer groups can file EU applications at EUIPO. Always check EUIPO for operational updates.

There are three pathways to GI protection in the EU:

1. **National step (Brazil – prerequisite).** First obtain or demonstrate protection in Brazil (registration/recognition of the name and its product specification under Brazilian law). This evidence is generally required before applying for EU protection;⁷
2. **Regional Route:** via European Commission (agri-food/wines/spirits) or EUIPO (craft/industrial, from 1 Dec 2025);

⁷ For Brazilian products, “national route” is a prerequisite, not an EU alternative: first secure recognition/protection in Brazil (name + specification/control). EU-wide protection is then obtained only via the European Commission (agri-food/wines/spirits) or EUIPO (craft/industrial, from 1 Dec 2025).

3. **International Route:** For members of the WIPO Lisbon Agreement. The Lisbon Agreement, administered by WIPO, aims to simplify the international registration of geographical indications and has the participation of the European Union and 30 countries.⁸

For third-country names, protection in the country of origin is generally required before the EU route.

Plant Variety Protection

In the EU, the protection of a new plant variety, the **Community Protection Variety Right** (CPVR), is valid for a maximum of **25 years, or 30 years** for vines, hops, trees species, and potatoes, provided that the annual fees are paid, since the right is granted.

Plant Variety Protection in the EU can occur in three ways:

1. National Plant Variety Protection Registries;
2. Patents;
3. Regional registration through CPVR.

The Community regional plant variety system does not replace or harmonise national systems. An applicant may choose EU-wide CPVR protection or national protection in one or more countries. However, once a CPVR is granted, any earlier national title or patent over the same variety becomes ineffective for the duration of the CPVR. Protection lasts 25 years from grant (30 years for vines, trees and potatoes), subject to annual fees.

To obtain EU wide protection, apply directly to the CPVO (online)⁹. CPVO examines the application and relies on DUS testing (Distinctness, Uniformity and Stability). Applicants must also propose a suitable, unique variety denomination (name).

⁸ Not available through INPI-BR: Brazil is not a contracting party to the Geneva Act as of Oct-2025.

⁹ To check existing rights or names, use the CPVO Variety Finder and, for wider coverage, UPOV's PLUTO database.

Copyright

Copyright protects original **literary, artistic and scientific works** (for example, texts, software, music, films, photographs, artworks). Other works which are protected under copyright laws are **computer programs** (protected as literary works when original). **Original data-bases** can also be protected through copyright. Databases can be protected by copyright when their selection or arrangement is original. Separately, a sui generis database right protects substantial investment in obtaining, verifying or presenting contents for up to 15 years (renewable with substantial new investment).

Protection arises automatically on creation; **no registration is required in the EU**. Some Member States offer **voluntary deposits** (e.g., Spain's Registro de la Propiedad Intelectual, France's Soleau envelope, Italy's SIAE for certain works) that can help prove authorship or date of creation in case of litigation, but this registration does **not create rights**. There is no EU-wide copyright register.

The general term is **life of the author plus 70 years**. For joint works, the term runs from the death of the last surviving co-author.

Other rights which are important to the industry are the **related (or Neighbouring) rights**. These protect, for example, performers, phonogram producers, broadcasters and certain publications. Their terms are set by EU law and typically range **from 50 to 70 years** depending on the right.

Intellectual Property laws and regulations in the European Union

EU rules harmonise many aspects of IP while national laws continue to apply. Some titles are **unitary** (EU trade marks and EU designs at EUIPO; plant varieties at CPVO), while patents are obtained via the **EPO** (classical EP or Unitary Patent). Always consult the latest text of the acts below.

Table 5: Some of the EU's IP laws

Law	No.
Patents (inventions)	European patents: European Patent Convention (EPC). Unitary Patent: Regulation (EU) No 1257/2012 and Agreement on a Unified Patent Court (UPC Agreement) for jurisdiction. National patent laws apply to national filings and, where relevant, to validated EPs. Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions.
Copyright and Related Rights	Copyright: core EU acquis includes the InfoSoc Directive (2001/29/EC), Term Directive (2006/116/EC as amended), Software Directive (2009/24/EC), Database Directive (96/9/EC), Orphan Works (2012/28/EU), Collective Rights Management (2014/26/EU) and the DSM Directive (2019/790). National laws implement these rules; protection arises automatically.
Trade marks	EU trade marks: Regulation (EU) 2017/1001 (consolidated). Implementing and Delegated Regulations set procedures and fees. National trade marks remain available under Member State laws.
Industrial Design	Designs. Council Regulation (EC) No 6/2002 on Community designs, as amended by Regulation (EU) 2024/2822 (applies mainly from 1 May 2025; some provisions from 1 July 2026), and the recast Directive (EU) 2024/2823 on the legal protection of designs (to be transposed by 9 December 2027). Check EUIPO's reform hub and the consolidated texts for current practice.
Geographical Indications	GIs (agri-food, wines, spirits), Council Regulation (EC) No 3290/94 of 22 December 1994.; register: eAmbrosia (European Commission). GIs (craft and industrial products): Regulation (EU) 2023/2411; authority: EUIPO; applicability from 1 December 2025.
Plant Variety Protection	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights, as amended by Council Regulation (EC) No 2506/95 of 25 October 1995.
Integrated Circuit Layout Designs	Council Directive (EEC) No 87/54 of 16 December 1986 on the legal protection of topographies of semiconductor products.

A list of EU-related IP legislation can be found on WIPO's website.



Also, up-to-date list of EU IP legislation is available on EUR-Lex (the EU's legal database).



For practical summaries and implementing rules, see EUIPO – Law & Practice (trade marks/designs).



European Commission – Geographical Indications **policy** (foods and drinks).



European Commission – Geographical Indications **register** (foods and drinks).



International Intellectual Property Agreements in the European Union

These agreements set common standards and, for some rights, provide international filing systems. They do not replace EU/national procedures but they make multi-country protection and enforcement easier.

Table 6: Frameworks that shape rights, scope and enforcement

Agreement	Description
TRIPS (WTO)	Minimum protection and enforcement standards across all main IP rights (EU and all Member States are parties).
Paris Convention (industrial property)	Priority rights (12 months patents/UMs; 6 months designs/trade marks) and core principles (Member States are parties)
UPOV (plant varieties)	The EU is a member (1991 Act). Sets standards that underpin the EU-wide
Berne Convention (copyright)	Automatic protection without formalities; implemented via EU/national law (Member States are parties).

WIPO Internet Treaties (WCT/ WPPT)	Digital-use baseline for authors'/performers' rights; implemented via EU/national law.
Marrakesh Treaty	Accessibility exceptions and cross-border exchange of accessible-format copies; implemented in EU/national law.

*Data referring to October 2025

Table 7: Primary filing systems you may use

Agreement	Description
Madrid Protocol (trade marks)	File one international application and designate "European Union" and/or individual EU Member States as needed. An EU designation yields an EUTM (examined by EUIPO); Member State designations lead to creating national rights in the designated state.
Hague Agreement – 1999 Geneva Act (designs)	File one international application and designate "European Union" and/or individual EU Member States as needed. Member State designations lead to creating national rights in the designated state.
Patent Cooperation Treaty – PCT (patents)	The EU is not a party. File a PCT, then enter the European regional phase at the EPO and/or the national phases of individual Member States (and other countries) within the applicable time limits.
European Patent Convention (EPC) / Unified Patent Court Agreement (UPCA)	File once at the EPO; after grant, validate nationally (classical EP) in selected Member States and/or request unitary effect (Unitary Patent) for participating EU states. UPCA provides central litigation for UP and many EPs (unless opted out).
Lisbon System – Geneva Act (geographical indications).	The EU is a party. International registration framework for GIs/AOs that can cover the EU; availability for a third-country name depends on the origin country's membership. It complements, not replaces, EU procedures (Commission for agri-food/wines/spirits; EUIPO for craft/industry from 1 Dec 2025). Brazil isn't part of the Lisbon System and Brazilian applicants cannot use it.

Table 8: Some exporter takeaways







Agreement	Description
Trade marks/designs	Use Madrid/Hague and choose between (or combine): – European Union designation for a single EU-wide right examined by EUIPO; and/or – specific EU Member State designations (or national filings) where a targeted scope is preferred.
Patents	There is no “EU patent” filing. Use the EPO (EPC) and then validate in the Member States you need and/or request a Unitary Patent for participating states. If you need broader international coverage, use PCT and then select the EPO and/or national phases.
Geographical Indications	Apply at the European Commission (agri-food, wines/spirits) or EUIPO (craft/industry from 1 Dec 2025).
Copyright	Protection arises automatically; focus on licences, clearances and contracts in each Member State market you enter.
Plan your filings	<ul style="list-style-type: none"> • Paris priority—12 months (patents/utility models), 6 months (designs/trade marks). PCT keeps EPO and most EU Member State options open for about 31 months. Decide early between EU-wide titles, Member State rights, or a mix, and budget for translations and renewals. Trade Mark International filings (via Madrid System) allow for a single application/fees/language; central renewals and easy later expansions. Note: 5-year dependency on the basic filing;¹⁰ refusals handled per country (local agent may be needed). • For Designs, (Hague/EUIPO) – one application for multiple countries; Also, you can defer publication at EUIPO up to 30 months, to keep your design confidential. Note: quality of representations is critical; prior disclosure only safe within the EU’s 12-month grace period.

¹⁰ For the first five years after an international registration is granted, it is tied to the original national (or regional) application or registration.

How to protect your Intellectual Property in the European Union

A list of IP objects recognized in the European Union, with a link to the websites where you can obtain information on how to protect each of them, can be found in the tables below.















Table 9: Where to protect your IP in the EU

IP Object	Description	Link
Invention Patents (EPO) 39 countries	Protects inventions (new, technical/technological solutions!) that are new, involve an inventive step and are industrially applicable.	
Trade mark (EUIPO) 27 countries	A trade mark is a brand identifier understood as any sign capable of distinguishing goods/services (e.g., word, logo, colour, shape, sound, motion). EU trade mark is a single right valid across the EU; national trade marks remain available.	
Design (EUIPO) 27 countries	Designs (product appearance!) protect the appearance, shape, or configuration of a product.	
Geographical Indications (handicrafts and industrial products) (EUIPO) 27 countries	GI (origin-linked crafts) protects the name of a product that has a specific geographical origin and owes its qualities and/or reputation to its specific origin.	
Geographical Indications (agricultural products, food, wines and spirits) (European Commission) 27 countries	This category of GIs protects, the name of a product, origin-linked foods and wines , that has a specific geographical origin and owes its qualities and/or reputation to its specific origin.	
Plant Variety Protection (PVP) (CPVO) 27 countries	PVP grants exclusive rights over propagating material of a new plant variety.	

More on how to apply for the protection of your Intellectual Property in the European Union via International Cooperation Treaties and Agreements

International systems let you file once and seek protection in multiple countries/regions. Use them to designate the European Union and/or specific EU Member States, depending on your market plan.

Table 10: IP application requests in the EU

IP Object	Description	Link
Patents	Information from the INPI on how to protect your Patent abroad	
	Information from the INPI on international patent filing	
	Information from the INPI on Patent Cooperation Treaty (PCT) fees, codes and procedures	
	Application for filing an International Patent Application via PCT directly with WIPO	
	Application for a European Unitary Patent or choice of several European countries with the European Patent Office (EPO)	
	Accelerated Prosecution of Applications – PACE	
	PPH Application at EPO	
Trade marks	Information from the INPI on the Madrid Protocol and step-by-step instructions for applying for international trade mark registration	
	Application for International Registration of Trade marks directly on the WIPO website – Madrid System	
	Application for a trade mark application in the European Union via <i>the</i> European Union Intellectual Property Office (EUIPO)	
Industrial Designs	Information from the INPI on the Hague System and step-by-step instructions for applying for International Registration of Design	
	Application for International Design Registration directly on the WIPO website – Hague System	
Geographical Indications	Application for International Registration of Geographical Indication directly on the WIPO website – Lisbon System	
WIPO	All WIPO International Deposits	

Intellectual Property Costs in the European Union

Before deciding on which system to use to make an IP application in Europe, it is necessary to evaluate the costs involved and each of the options.



Note: official fees change; always verify with the fee calculators/schedules below. Attorney/translation/enforcement costs are additional and vary by case.

Trade marks

Costs depend mainly on the route (EUIPO EUTM, national, Madrid), the number of classes, and any oppositions/appeals. Renewal is every 10 years.

To make your decision easier, we have provided links to the comparative calculation of costs, in the table below, of the trade mark application in the EUIPO and in the WIPO Madrid System, remembering that, in the EUIPO, you automatically protect in the 27 countries of the European Union, and in the Madrid System, you will need to choose the countries in which you want to protect your trade mark, among the 131 that are part of the System.

Table 11: Information for calculating trade mark filing costs

Institution	Link
EUIPO Costs	
Madrid System Costs	

For EU national filings, consult each Member State IP office's fee schedule via the EUIPO directory of national and regional IP offices.





Patents

Patent costs vary widely and depend on the route you choose. Use the official fee pages for accurate figures (EPO fee schedule; WIPO PCT fees).

With the European Patent Office (EPO), you file one application under the European Patent Convention (EPC). The EPO examines centrally. If the patent is granted, you then either validate it in selected countries (classical European Patent - EP, creating a bundle of national patents with country-specific renewals/translations) or, where available, request unitary effect for a Unitary Patent covering the participating EU Member States (currently 18). The EPO system serves 39 EPC states (EU and non-EU).

The Patent Cooperation Treaty (PCT) has over 150 contracting states. A single international filing is processed in a centralised “international phase” (formalities, international search/publication), but substantive examination happens later in the regional/national phase: you enter the **EPO regional phase** and/or the **national phases** of the countries you choose, and each office decides under its own law.



Table 12: Information for calculating patent filing costs

Institution	Link
EPO Costs	
PCT System Costs	

Design

Costs depend on how many designs you file, image/representation requirements, any deferred publication, and 5-year renewals (up to 25).





























Table 13: Information for calculating design filing costs





































Institution	Link
EUIPO Costs (EU design - 27 countries)	
Costs of the Hague System (designate “European Union”)	





































Intellectual Property Offices of the European Union countries









In order to facilitate your access to information from the different countries of the European Union, we have inserted a table with all the countries and their respective national offices responsible for trade marks, patents, design and copyright.

Table 14: National IP offices

Country	Trade marks	Patents	Design	Copyright*
Germany				
Austria				
Belgium*				
Bulgaria				
Croatia				
Cyprus				
Denmark				

Country	Trade marks	Patents	Design	Copyright*
Slovakia				
Slovenia				
Spain				
Estonia				
Finland				
France				
Greece				
Hungary				
Ireland				

Country	Trade marks	Patents	Design	Copyright*
Italy				
Latvia				
Lithuania				
Luxembourg*				
Malta				
Netherlands**				
Poland				
Portugal				
Czech Republic				

Country	Trade marks	Patents	Design	Copyright*
Romania				
Sweden				

* There may be more than one place where you can register Copyright in European countries. To that extent, we have placed alongside it a list of a broader series of institutions, by country, provided by the EUIPO.



** Belgium, Luxembourg and the Netherlands have created the *BE – Benelux Patent Platform*. The filing and examination of patents from these countries are carried out jointly.

How to enforce your Intellectual Property Rights in the European Union

If you believe that an entity is using or benefiting from your IP rights without your consent, you may seek expert IP legal advice at an early stage.

Gather evidence that proves the violation of your rights, such as copies of works, trade mark or patent registrations, and communications that evidence the violation.

Enforcement in the EU is mostly national: you enforce your rights in the Member State(s) where infringement occurs. Some titles allow EU-wide or central actions (for example, EU trade marks/designs and the Unified Patent Court). Before acting, gather evidence (dated screenshots, test purchases, chain of custody) and seek local legal advice.

Where you can bring actions

- EU trade marks / EU designs: specialised **EU TM/design courts** in each Member State can order EU-wide relief.

- Patents: **Unified Patent Court (UPC)** for Unitary Patents and, unless opted out, many European patents in participating states; **national courts** for national patents and opted-out EPs.
- GIs and plant varieties: enforced primarily under **national procedures** (administrative and civil).
- Copyright/related rights: **national courts**; for online uses, platform procedures also matter.

Available Remedies:

Most EU countries offer similar remedies: swift injunctions (including at trade fairs), preservation of evidence/inspection, orders to disclose supply-chain information, damages or account of profits, and destruction/recall of infringing goods.

You can also request customs action (AFA) so border authorities detain and destroy counterfeits.

For online sales, use platform notice-and-takedown tools and the EUIPO IP Enforcement Portal to coordinate with authorities.

You can find more local information on the websites of the country offices, the links to which you can find in Table 14.

The **Your Europe**¹¹ website offers a guide on what actions you can take in case of infringement of different types of IP.



As a precaution to protect your IP rights in the EU, you can request a free account in the EUIPO's IP Enforcement Portal (IPEP). By sharing information about your products, IP rights, and contact details with EU enforcement authorities, you can safeguard your goods against counterfeiting.



¹¹ Website managed by the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs and is an official website of the European Union.

About protecting your IP Rights on EU E-commerce Marketplaces, the EUIPO provides guidance on safeguarding IP rights in the digital marketplaces. This includes information on collaborating with various e-commerce platforms to report and remove infringing listings, understanding platform-specific IP protection tools, and implementing best practices for online brand protection.



Also, if you became a SMEs from some EU Member States, the IP Scan Enforcement service is tailored to facing IP infringement issues. It offers a comprehensive analysis of a company's IP assets, identifies potential risks, and provides strategic advice on enforcement actions. This service helps SMEs make informed decisions on protection their IP rights in the EU market.



Another option for international IP protection is the use of the Mediation and Arbitration services for Intellectual Property and Technology Disputes offered to companies by WIPO.



WIPO also offers mediation alternatives for resolving disputes over internet domains.



In addition, WIPO also has an international guide for patent case management for EPO judges, which may be useful in the event of judicialization.



Finally, some technologies can help you protect your business and the EUIPO Anti-counterfeiting and anti-piracy technology guide (ACAP Guide) enables you to explore a knowledge repository of over 40 anti-counterfeiting and anti-piracy technologies, which can assist in safeguarding your intellectual property assets. It provides the flexibility to perform searches in multiple ways and to print and download your selection of technologies that can help you decide which technologies are the best fit for your business.



These tools complement the steps outlined in this document and can help you make informed decisions when expanding your business to the European market. While they are not a substitute for legal advice, they serve as valuable first steps in your IP protection strategy.

To summarize: start with evidence; use customs and platform takedowns to contain harm; then choose court or administrative routes (EU-wide or national) that match your markets and budget. Keep product guides and contact points updated in IPEP so authorities can act fast.

Closing remarks

After the path proposed in this document, we hope that it has become easier to protect your IP before you start exporting.

Remember, because IP law is territorial, you'll need to protect it before you can introduce, sell, or manufacture your product in a new market. You can also protect it in other markets, even if you do not wish to exploit them at this time, in order to prevent others from copying, manufacturing or importing your trade mark, product or service, and not paying your respective financial consideration.

In some countries it is possible to carry out the procedures described here directly, but many require the hiring of a local IP professional who will act on your behalf. Having the support of one of these professionals, an IP agent, in general, helps, not only with filings, but also to understand issues related to the local culture that can facilitate your access to the market in the region.

Another point that deserves to be highlighted is the cost of IP protection. It can be expensive, so it is always important to emphasize the need for good initial planning on how, where and why to invest abroad.

Finally, the information provided in this document is a support resource for exporting and protecting your IP in other countries and should not be used as a substitute for expert legal advice.