

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	Benelux
Definition of Trademark	
1. According to the applicable legislation or to the practices of the Office, marks are defined as	
a) Visually perceptible signs	No
b) Signs capable of being represented graphically	No
c) Any sign capable of distinguishing the goods and services of one undertaking from those of another	Yes
2. Signs excluded from registration	
Are any signs excluded from registration as a mark?	Yes
Please, specify:	signs which consist exclusively of: (i) the shape, or another characteristic, which results from the nature of the goods themselves; (ii) the shape, or another characteristic, of goods which is necessary to obtain a technical result; (iii) the shape, or another characteristic, which gives substantial value to the goods;
Acceptable Types of Marks and Means of Representation	
Types of marks	
3. Is the applicant required to specify in the application the type of mark for which registration is requested?	Yes
4. Is a description of the mark [one option only]	b) Optional?
5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application?	Yes
One option only:	c) Other
Please, specify:	We ask for specification
6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:	
a) Word marks	Yes
i. Does the Office require the use of a standard character for the representation of word marks?	No
ii. Where applicable, does the Office require that words be translated into the language used by the Office	No
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	No
Please specify the font to be used to represent a standard character mark:	
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	As a picture (jpeg file)
c) Hologram marks	Yes
Please, specify how they must be represented:	As a picture (jpeg file) or movie (mp4 file)
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	As a picture (jpeg file)
i. Product packaging	Yes
Please, specify how it must be represented:	As a picture (jpeg file)
ii. Product shape	Yes
Please, specify how it must be represented:	As a picture (jpeg file)
e) Color marks	Yes
Please, specify how they must be represented	As a picture (jpeg file)
i. A single color	Yes
Please, specify how it must be represented:	As a picture (jpeg file) and indicating a colour code
ii. A combination of colors	Yes
Please, specify how it must be represented:	As a picture (jpeg file) and indicating a colour code

f) Sound marks	Yes
Please, specify how they must be represented	As a sound file (.mp3) or musical notation (jpeg file)
i. A musical sound	Yes
Please, specify how it must be represented:	As a sound file (.mp3) or musical notation (jpeg file)
ii. Any sound	Yes
Please, specify how it must be represented:	As a sound file (.mp3)
g) Motion marks	Yes
Please, specify how they must be represented:	As a video file (mp4 file)
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	As a video file (.mp4 file)
i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)	Yes
Please, indicate what other types of marks are accepted:	In principle, anything goes as long as "represented on the register in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor".
Please, specify how each of the other types of marks indicated above must be represented:	See above. There is no defined format available for most. All demands are laid down in the European Trademark and Design Network's Common Communication on the Reproduction of New Types of Trademarks.
Format and Means to File an Application with the Office	
7. Which of the following are acceptable formats to file an application with the Office?	
a) A paper form	Yes
b) The image of a paper form (e.g., PDF, JPG)	Yes
c) Structured data (e.g., e-filing, XML files)	Yes
8. How does the applicant submit the application?	
a) On a physical support (e.g., paper, CD-ROM or USB device)	Yes
b) By fax	Yes
c) Electronically, other than fax (e.g., by e-mail, by e-filing)	Yes
9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?	Yes
Format(s) in which the Office accepts the electronic representation of the mark	
10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?	Yes
Please select below the format accepted by the Office	
a) GIF	No
b) JPEG	Yes
c) PNG	No
d) TIFF	No
e) Other(s)	No
Please, specify in which other format(s):	
When the representation consists of more than one digital still image:	
a) all images must be included in one file	Yes
b) each image may be in a separate file	No
11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)?	Yes
Please, select below the format accepted by the Office	
a) MID	No
b) MP3	Yes
c) WAV	No
d) Other(s)	No
Please, specify in which other format(s):	
12. Depending on the type of mark,	

may the representation consist of a digital recording of moving images without sound?	Yes
Please, select below the format(s) accepted by the Office	
a) AVI	No
b) GIF	No
c) MOV	No
d) MP4	Yes
e) MPEG	No
f) WMV	No
g) Other(s)	No
Please, specify in which other format(s):	
13. Depending on the type of mark,	
may the representation consist of a digital recording of moving images and sound?	Yes
Please, select below the format(s) used by the Office	
a) AVI	No
b) MP4	Yes
c) MPEG	No
d) WMV	No
e) Other(s)	No
Please, specify in which other format(s):	
Formats and standards used by the Office to store, manage and publish electronic representation of marks	
SCRx3421	
14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database?	Yes
15. Is the electronic representation of the mark available to the public?	Yes
How can the public access the electronic representation of the mark?	
a) At the Office only (e.g., a dedicated computer terminal)	Yes
b) Online (e.g., online database)	Yes
16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:	
a) one or more digital still images	jpeg
b) a digital recording of sound only	mp3
c) a digital recording of moving images without sound	mp4
d) a digital recording of moving images and sound	mp4