

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	Austria
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:	Any sign that does not fulfil the ECJ Sieckmann-criteria, e.g. olfactory marks.
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:	The applicant would be contacted by the Office for clarification.
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	Yes
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	Yes
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:	Paper: 6 identical images of the trademark (maximum size: 8x8 cm). Electronically: 1 image file (JPEG, max. 2008 x 2835 pixel, max. 2 MB)
c) Hologram marks	Yes
Please, specify how they must be represented:	Paper: 6 identical images of the trademark (maximum size: 8x8 cm) or 1 data carrier (CD-formats, DVD-formats, MP4, max. 20 MB) Electronically: JPEG (max. 2008 x 2835 pixel, max. 2 MB) or video file (MP4, max. 20 MB)
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	graphical reproduction (e.g. line drawing) or photo (maximum size: 8x8 cm; image may contain different views of the same shape, as long as these views remain recognizable in the format 8x8 cm).
i. Product packaging	Yes
Please, specify how it must be represented:	see above d)
ii. Product shape	Yes
Please, specify how it must be represented:	see above d)

e) Color marks	Yes
Please, specify how they must be represented	The representation of the colour mark must not contain any outlines or contours.
i. A single color	Yes
Please, specify how it must be represented:	Paper: 6 identical images of the trademark (maximum size: 8x8 cm) + colour specification + colour code Electronically: 1 image file (JPEG, max. 2008 x 2835 pixel, max. 2 MB) + colour specification + colour code
ii. A combination of colors	Yes
Please, specify how it must be represented:	Paper: 6 identical images of the trademark (maximum size: 8x8 cm) + colour specification + colour code Electronically: 1 image file (JPEG, max. 2008 x 2835 pixel, max. 2 MB) + colour specification + colour code
f) Sound marks	Yes
Please, specify how they must be represented	acoustic reproduction or - in case of musical sounds - exact reproduction of the sound by a musical notation.
i. A musical sound	Yes
Please, specify how it must be represented:	Paper: 6 identical images of the trademark (maximum size: 8x8 cm) or 1 data carrier (CD-formats, DVD-formats, WAV or MP3, max. 2 MB) Electronically: JPEG (max. 2008 x 2835 pixel, max. 2 MB) or audio file (WAV or MP3, max. 2 MB)
ii. Any sound	Yes
Please, specify how it must be represented:	Electronically: audio file (WAV or MP3, max. 2 MB)
g) Motion marks	Yes
Please, specify how they must be represented:	Paper: 6 identical images of the trademark (maximum size: 8x8 cm) or 1 data carrier (CD-formats, DVD-formats, MP4, max. 20 MB) Electronically: JPEG (max. 2008 x 2835 pixel, max. 2 MB) or video file (MP4, max. 20 MB)
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	Paper: 1 data carrier (CD-formats, DVD-formats, MP4, max. 20 MB) Electronically: video file (MP4, max. 20 MB)
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:	position marks, pattern marks, gesture marks (APO sees gesture marks equivalent to motion marks).
Please, specify how each of the other types of marks indicated above must be represented:	see above b) + g)
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)	No
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	Yes
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)	No
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 or GIF
b) a digital recording of sound only	WAV or MP3
c) a digital recording of moving images without sound	MP4
d) a digital recording of moving images and sound	MP4