

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	European Union
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:	<p>According to Article 7(1) of the European Union trade mark Regulation (EU) 2017/1001(EUTMR), the following shall not be registered: a) signs which do not conform to the requirements of Article 4; b) trade marks which are devoid of any distinctive character; c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service; d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade; e) 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; f) trade marks which are contrary to public policy or to accepted principles of morality; g) trade marks which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service; h) trade marks which have not been authorised by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention for the Protection of Industrial Property ('Paris Convention'); i) trade marks which include badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless the consent of the competent authority to their registration has been given; j) trade marks which are excluded from registration, pursuant to Union legislation or national law or to international agreements to which the Union or the Member State concerned is party, providing for protection of designations of origin and geographical indications; k) trade marks which are excluded from registration pursuant to Union legislation or international agreements to which the Union is party, providing for protection of traditional terms for wine; l) trade marks which are excluded from registration pursuant to Union legislation or international agreements to which the Union is party, providing for protection of traditional specialities guaranteed; m) trade marks which consist of, or reproduce in their essential</p>

	elements, an earlier plant variety denomination registered in accordance with Union legislation or national law, or international agreements to which the Union or the Member State concerned is a party, providing for protection of plant variety rights, and which are in respect of plant varieties of the same or closely related species.
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:	Where the applicant does not specify the desired mark type, the Office will grant a filing date and based on the representation submitted, accord the appropriate mark type where possible, and inform the applicant in writing, setting a 2-month time limit for observations. If there is no response, the indication made by the Office is considered accepted by the applicant. If the applicant disagrees with the indication, the Office will restore the original mark types indicated, if any, however, the application may then be rejected if the nature of the mark cannot be clearly indicated. (For further information, please see our Office Guidelines, Part B Examination, Section 2 Formalities, paragraph 9 Mark Type and paragraph 9.12 Correction of mark type , available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities/part_b_examination_section_2_formalities_en.pdf)
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?	Yes
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:	Following Article 3(3)(a) EUTMIR, "in the case of a trade mark consisting exclusively of words or letters, numerals, other standard typographic characters or a combination thereof (word mark), the mark shall be represented by submitting a reproduction of the sign in standard script and layout, without any graphic feature or colour" (emphasis added). As stated in the Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.1 Mark Type, page 20 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities/part_b_examination_section_2_formalities_en.pdf), standard layout is to be understood as written across a single line. Descriptions are not foreseen in the case of word marks.

b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	<p>According to Article 3(3)(b) EUTMIR, "in the case of a trade mark where non-standard characters, stylisation or layout, or a graphic feature or a colour are used (figurative mark), including marks that consist exclusively of figurative elements or of a combination of verbal and figurative elements, the mark shall be represented by submitting a reproduction of the sign showing all its elements and, where applicable, its colours". Bearing in mind Article 3 EUTMIR does not contemplate the possibility to add a description for figurative marks, since 01/10/2017 when a trademark is to be registered in colour, a coloured reproduction of the mark must be filed with the application; but the Office cannot accept any mark description or indication of such colour for figurative marks in that sense, as the representation of the trade mark alone defines the subject matter of the registration.</p>
c) Hologram marks	Yes
Please, specify how they must be represented:	<p>According to Article 3(3)(j) EUTMIR, "in the case of a trade mark consisting of elements with holographic characteristics (hologram mark), the mark shall be represented by submitting a video file or a graphic or photographic reproduction containing the views which are necessary to sufficiently identify the holographic effect in its entirety". As stated in the Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.10, page 31 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities_en.pdf), the number of views is unlimited as long as they all fit in one single file/sheet. If the mark is to be registered in colour, a coloured reproduction of the mark must be filed with the application. Article 3 EUTMIR does not foresee any descriptions for Hologram marks, therefore, as from 01/10/2017, the Office does not accept any mark description or indication of colour in hologram marks, as the representation of the trade mark alone defines the subject matter of the registration.</p>
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	<p>According to Article 3(3)(c) EUTMIR, "in the case of a trade mark consisting of, or extending to, a three-dimensional shape, including containers, packaging, the product itself or their appearance (shape mark), the mark shall be represented by submitting either a graphic reproduction of the shape, including computer-generated imaging, or a photographic reproduction. The graphic or photographic reproduction may contain different views. Where the representation is not provided electronically, it may contain up to six different views". As stated in the Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.3, page 23 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities_en.pdf) while different perspectives may be filed, a single view of the shape is sufficient where the shape to be protected can be ascertained from that single view. If it is to be registered in colour, a coloured reproduction of the mark must be filed with the</p>

	application. Bearing in mind Article 3 EUTMIR does not list shape marks as one of the possible trademarks for which descriptions can be filed, as from 01/10/2017, the Office does not accept any mark description or indication of colour for shape marks, as the representation of the trade mark alone defines the subject matter of the registration.
i. Product packaging	Yes
Please, specify how it must be represented:	Article 3(3)(c) EUTMIR includes not only the three-dimensional shape when defining shape marks, but also containers, packaging, the product itself or their appearance. The reply given to Question 6 (d) therefore applies to 6)(d) i).
ii. Product shape	Yes
Please, specify how it must be represented:	As stated above, Article 3(3)(c) EUTMIR includes not only the three-dimensional shape when defining shape marks, but also containers, packaging, the product itself or their appearance. The reply given to Question 6 (d) therefore also applies to 6)(d) ii).
e) Color marks	Yes
Please, specify how they must be represented	As indicated below under our reply to question 6 e) i) single colour marks and ii), combination of colour marks .
i. A single color	Yes
Please, specify how it must be represented:	According to Article 3(3)(f)(i) EUTMIR, “where the trade mark consists exclusively of a single colour without contours, the mark shall be represented by submitting a reproduction of the colour and an indication of that colour by reference to a generally recognised colour code”. No descriptions are allowed for single colour marks.
ii. A combination of colors	Yes
Please, specify how it must be represented:	According to Article 3(3)(f)(ii) EUTMIR, “where the trade mark consists exclusively of a combination of colours without contours, the mark shall be represented by submitting a reproduction that shows the systematic arrangement of the colour combination in a uniform and predetermined manner and an indication of those colours by reference to a generally recognised colour code. A description detailing the systematic arrangement of the colours may also be added”.
f) Sound marks	Yes
Please, specify how they must be represented	According to Article 3(3)(g) EUTMIR, “in the case of a trade mark consisting exclusively of a sound or combination of sounds (sound mark), the mark shall be represented by submitting an audio file reproducing the sound or by an accurate representation of the sound in musical notation”. As stated in the Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.7, page 29 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities/part_b_examination_section_2_formalities_en.pdf), by ‘accurate musical notation’ it is meant that the representation must include all the elements necessary for interpreting the melody, that is to say, pitch, tempo, lyrics (if any), etc. If the applicant submits both an audio file and musical notations, it will be asked to choose which of the two it wishes to retain. If the applicant submits an audio file and a representation of a sonograph, the latter will be removed from the file by the Office. The Office does

	not allow the sound to stream or loop. As from 01/10/2017, the Office does not accept any mark description for sound marks as the representation of the trade mark alone defines the subject matter of the registration.
i. A musical sound	Yes
Please, specify how it must be represented:	The reply given to question 6 (f) is applicable to 6 (f) i), bearing in mind a sound mark consists either of a sound or a combination of sounds.
ii. Any sound	Yes
Please, specify how it must be represented:	The reply given to question 6 (f) is applicable to 6 (f) ii), bearing in mind a sound mark consists either of a sound or a combination of sounds.
g) Motion marks	Yes
Please, specify how they must be represented:	According to Article 3(3)(h), "in the case of a trade mark consisting of, or extending to, a movement or a change in the position of the elements of the mark (motion mark), the mark shall be represented by submitting a video file or by a series of sequential still images showing the movement or change of position. Where still images are used, they may be numbered or accompanied by a description explaining the sequence". Such description must accord with the representation and not extend its scope. As stated in the Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.8, page 30 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities/part_b_examination_section_2_formalities_en.pdf), the number of images is practically unlimited as long as they all fit in one single file or one single sheet. If it is to be registered in colour, a coloured reproduction of the mark must be filed with the application.
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	According to Article 3(3)(i), "in the case of a trade mark consisting of, or extending to, the combination of image and sound (multimedia mark), the mark shall be represented by submitting an audio-visual file containing the combination of the image and the sound". If it is to be registered in colour, a coloured reproduction of the mark must be filed with the application. Descriptions are not foreseen for multimedia marks, as the representation of the trademark alone defined the subject matter of the registration.
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:	Apart from the types of marks listed above, position and pattern marks are also explicitly listed as possible trademarks, under Article 3(3)(d) and (e) EUTMIR respectively. In addition, for types of marks that are not covered by Article 3(3) EUTMIR, applicants may choose the option given by Article 3(4) EUTMIR and file the mark under 'Other'. In any case, their representation must comply with the requirements for representation as stipulated in Article 3(1) EUTMIR and may be accompanied by a mark description, which must accord with the representation and not extend its scope. The Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.11, pages 32-33 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and

	<p>d_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities/part_b_examination_section_2_formalities_en.pdf) provide a non-exhaustive list of examples of what could be included as 'other' types of marks, namely tracer marks, smell/olfactory, taste and tactile marks, although currently it is not possible to represent these marks in compliance with Article 4 EUTMR, as the subject matter of protection cannot be determined with clarity and precision, with generally available technology. On the other side, and as also mentioned in our Office Guidelines, the representation of a layout of a retail store may constitute a trade mark provided that it is capable of distinguishing the products or services of one undertaking from those of other undertakings, and that no other grounds of refusal apply.</p>
Please, specify how each of the other types of marks indicated above must be represented:	<p>According to Article 3(3)(d), "in the case of a trade mark consisting of the specific way in which the mark is placed or affixed on the goods (position mark), the mark shall be represented by submitting a reproduction which appropriately identifies the position of the mark and its size or proportion with respect to the relevant goods. The elements which do not form part of the subject matter of the registration shall be visually disclaimed preferably by broken or dotted lines. The representation may be accompanied by a description detailing how the sign is affixed on the goods". As in all other cases, descriptions shall accord with the representation and shall not extend its scope. For further information on Position marks please see the Office Guidelines, Part B Examination, Section 2 Formalities, Paragraph 9.4, page 26 (available at https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_2_2017/Part-B/02-part_b_examination_section_2_formalities/part_b_examination_section_2_formalities_en.pdf) where it is emphasized that descriptions should not serve as a substitute for visual disclaimers. Colours, to the extent that they form an integral part of the description, may be indicated therein. According to Article 3(3)(e), "in the case of a trade mark consisting exclusively of a set of elements which are repeated regularly (pattern mark), the mark shall be represented by submitting a reproduction showing the pattern of repetition. The representation may be accompanied by a description detailing how its elements are repeated regularly". Again, these are to accord with the representation and shall not extend its scope. As regards the 'other' marks, contemplated under Article 3(4) EUTMR, they "shall be represented in any appropriate form using generally available technology, as long as it can be reproduced on the Register in a clear, precise, self-contained, easily accessible, intelligible, durable and objective manner so as to enable the competent authorities and the public to determine with clarity and precision the subject matter of the protection afforded to its proprietor", as stipulated in Article 3(1) EUTMR. If they are to be registered in colour, a coloured reproduction of the mark must be filed with the application. Descriptions, as stated above, are explicitly foreseen for Article 3(4) EUTMR, 'Other marks', as long as they accord with the representation</p>

	and not extend its scope.
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	No
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)	Yes
Please, specify in which other format(s):	In case of shape marks, the Office also accepts OBJ, STL, X3D for computer generated images.
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)	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. Also in case of shape marks, as specified before - OBJ, STL and X3D for computer generated images.
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