

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

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Country	Germany
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 that are not capable being 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 holder. Signs which consist exclusively of the shape, or another characteristic, (i) which results from the nature of the goods themselves; (ii) which is necessary to obtain a technical result; or (iii) 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:	The Office informs the applicant that the application shall be refused unless the type of mark is indicated within a period set by the Office.
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:	No specific font. The mark shall be represented in the usual characters of the Office. A description is not allowed.
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	A graphical representation of the mark either on paper or on a data carrier shall be attached to the application or submitted by electronic means. Where applicable, its colors shall be specified in the application. The application may contain a description of the mark. Marks with non-Latin characters, such as Chinese characters, are regarded as figurative marks. In this case, the Office requires a German translation, transliteration and transcription.

c) Hologram marks	Yes
Please, specify how they must be represented:	Hologram marks must be represented 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 holder. A graphical representation of the mark either on paper or on a data carrier shall be attached to the application or submitted by electronic means. Where applicable, its colors shall be specified in the application. If the subject matter cannot otherwise be defined precisely, a description must be added.
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	Three-dimensional marks must be represented 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 holder. The representation of the mark shall be submitted either on paper or on a data carrier or by electronic means. The mark shall be represented by submitting either a photographic reproduction or a graphical outline drawing. The representations may contain up to six different views. A description may be added. Accepted formats in case of electronic representation: JPEG, OBJ, STL, X3D.
i. Product packaging	Yes
Please, specify how it must be represented:	See above.
ii. Product shape	Yes
Please, specify how it must be represented:	See above.
e) Color marks	Yes
Please, specify how they must be represented	See below.
i. A single color	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting a reproduction of the color either on paper or on a data carrier or by electronic means. That color shall be indicated using a number according to an internationally recognised color classification System.
ii. A combination of colors	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting a reproduction that shows the systematic arrangement of the color combination in a predetermined and permanent manner. The colors shall be indicated using a number according to an internationally recognised color classification system. A description detailing the systematic arrangement of the colors may be added.
f) Sound marks	Yes
Please, specify how they must be represented	See below.
i. A musical sound	Yes
Please, specify how it must be represented:	The mark shall be represented either by submitting an audio file reproducing the sound or by a graphical representation of the sound mark in customary musical notation with a description of the instrumentation.
ii. Any sound	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting an audio file reproducing the sound.
g) Motion marks	Yes
Please, specify how they must be represented:	Motion marks must be represented 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 holder. They shall be represented by submitting a video file or 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 and the interval. If the

	subject matter cannot otherwise be defined precisely, a description must be added.
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	Multimedia marks must be represented 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 holder. They shall be represented by submitting an audiovisual file containing the combination of the image and the sound. If the subject matter cannot otherwise be defined precisely, a description must be added.
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:	All other types of marks.
Please, specify how each of the other types of marks indicated above must be represented:	Other types of marks must be represented 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 holder. The representation of the mark shall be submitted either on paper or on a data carrier or by electronic means. If the mark is to be registered in color, the colors shall be specified. If the subject matter cannot otherwise be defined precisely, a description must be added. If the mark may not be represented otherwise, it may be represented by text only as long as the text determines in a clear and precise manner the subject matter of the protection afforded to its holder.
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)	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
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