

National Board of Patents and Registration of Finland:

Graphic representation and description of new types of marks

The established trademark principles such as the requirement of distinctiveness and the requirement of graphic representation apply to both the traditional trademarks and the new types of trademarks. The only differences in the application procedure between the new types of marks and the traditional marks are found in the requirements of how the mark should be represented in the application and whether a specific description of the mark is required. Details of these requirements of graphic representation and mark description are listed below for each different type of non-traditional mark.

Three-dimensional marks:

Three-dimensional marks should be represented in the application form with a two-dimensional graphic image and ten reproductions of the image should be attached. An indication of the fact that the mark is a three-dimensional sign should be included in the application.

Colour marks:

Both single colour marks and combination colour marks are acceptable for registration given that they fulfil the other requirements of registration such as distinctiveness. The applicant should supply a sample and ten reproductions of the applied colour. The designation of the colour using an international colour identification code such as Pantone and description of the colour in words should be included in the application. Application should also contain an indication of the fact that the mark is a colour mark.

Holograms:

Ten reproductions of the applied hologram should be included in the application and the application should also contain an indication that the applied mark is a hologram.

Slogans:

The registration of slogans does not differ from the registration of traditional word marks.

Titles of films and books:

The registration of film or book titles does not differ from the registration of traditional word marks. In some cases a written consent from the author of the book or film maybe required.

Motion signs:

The requirement of graphic representation for motion signs can be filled by including a series of selected still images in the application that clearly depict the applied motion mark. Ten reproductions of the graphic representation should be filed. Also an indication of the fact that the mark is a motion sign and an additional written explanation of the applied animation should be included in the application. A sample of the motion mark must be filed with the application. This can be delivered for example on a CD-ROM or a DVD.

Position marks:

No applications for position marks have been filed.

Gesture marks:

No applications for gesture marks have been filed.

Sound marks:

The requirement of graphic representation for sound marks can be filled either by including standard musical notation or sonogram of the applied sound mark in the application. For a sonogram to be valid graphic representation it must contain information on the signals frequency content versus frequency and time. An indication of the fact that the mark is a sound mark should be included in the application along with ten reproductions of the graphic representation. A sample of the sound mark on some commonly used audio media must be filed with the application.

Olfactory marks:

No applications for olfactory marks have been filed.

Taste marks:

No applications for taste marks have been filed.

Texture marks:

No applications for texture marks have been filed.