



Promoting Intellectual  
Property Rights in the  
ASEAN Region

## TRAINING ON THE ASEAN COMMON GUIDELINES FOR THE SUBSTANTIVE EXAMINATION OF TRADEMARKS

### MODULE 2:

NEW TYPES OF TRADEMARKS – EXAMINATION OF  
FORMAL REQUIREMENTS AND GROUNDS FOR REFUSAL  
Thom CLARK | 28 May 2020



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- ❑ Distinctiveness of three-dimensional marks (shape marks) containing verbal and/or figurative elements when the shape is non-distinctive
- ❑ New types of trademarks – examination of formal requirements and grounds for refusal
- ❑ Comparison of goods and services (similarity of goods and services)

## NEW TYPES OF TRADE MARK

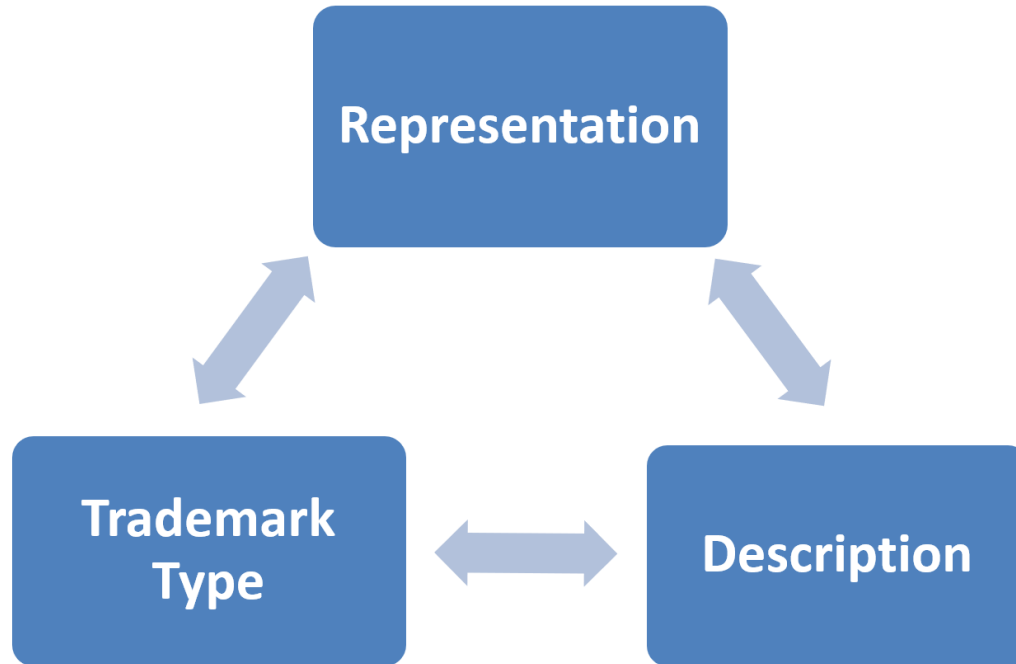
Representation of the mark:

With the Legal Reform, the requirement of graphical representation was abolished

Signs can be represented in any appropriate form using generally available technology.

The representation has to be **clear, precise, self-contained, easily accessible, intelligible, durable and objective.**

## NEW TYPES OF TRADE MARK



## NEW TYPES OF TRADE MARK

Type of trade mark	Description possible	Format required
Word	No	N/A
Figurative	No	JPEG
Shape	No	JPEG; <b>OBJ</b> ; <b>STL</b> ; <b>X3D</b>
Position	Optional	JPEG
Pattern	Optional	JPEG
Colour (single)	No	JPEG
Colour (combination)	Optional	JPEG
Sound	No	JPEG; MP3 (max 2 Mb)
Motion	Optional	JPEG; <b>MP4</b> (max 20 Mb)
Multimedia	No	<b>MP4</b> (max 20 Mb)
Hologram	No	JPEG; <b>MP4</b> (max 20 Mb)
Other	Optional	JPEG

## NEW TYPES OF TRADE MARK

What is new?

### Position mark

- Separate category
- Disclaimed part must be indicated by visual means, preferably by broken or dotted lines
- Description is optional

## NEW TYPES OF TRADE MARK

What is new?

Position mark

EUTM 18015719

Refused under Article 7.1.b

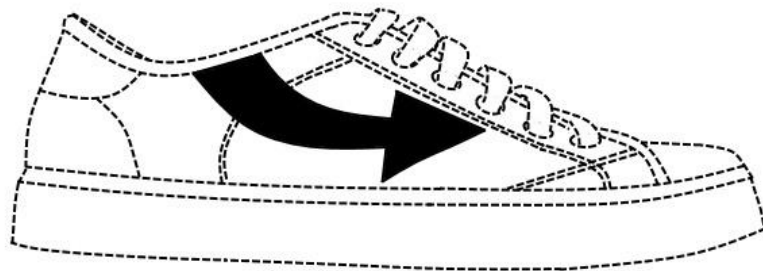


## NEW TYPES OF TRADE MARK

What is new?

Position mark

EUTM 17901400





## NEW TYPES OF TRADE MARK

What is new?

### Pattern mark

- Separate category
- Description is optional

## NEW TYPES OF TRADE MARK

What is new?

Pattern mark

EUTM 18069909



## NEW TYPES OF TRADE MARK

What is new?

### Motion mark

- Separate category
- Description is optional
- MP\$ or JPEG

## NEW TYPES OF TRADE MARK

What is new?

Motion mark

EUTM 18123435



## NEW TYPES OF TRADE MARK

What is new?

Motion mark

EUTM 17492513



## NEW TYPES OF TRADE MARK

What is new?

Motion mark

EUTM 17794281

Refused under Article 7.1.b



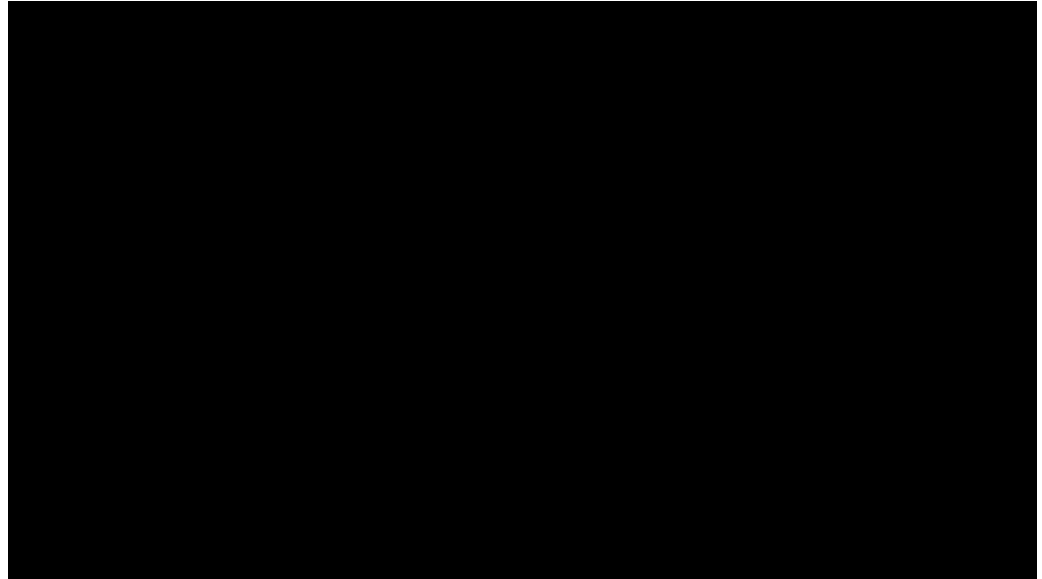
## NEW TYPES OF TRADE MARK

What is new?

Motion mark

EUTM 17280215

Refused under Article 7.1.b



## NEW TYPES OF TRADE MARK

What is new?

Motion mark

EUTM 17279712





## NEW TYPES OF TRADE MARK

What is new?

Motion mark

EUTM 18006678

Withdrawn



## NEW TYPES OF TRADE MARK

What is new?

### Sound mark

- No description possible
- MP3 or graphical representation

## NEW TYPES OF TRADE MARK

What is new?

Sound mark

EUTM 18006698



## NEW TYPES OF TRADE MARK

What is new?

Sound mark

EUTM 17981131



## NEW TYPES OF TRADE MARK

What is new?

Sound mark

EUTM 17889555

Refused under Article 7.1.b



## NEW TYPES OF TRADE MARK

What is new?

Sound mark

EUTM 17321464



## NEW TYPES OF TRADE MARK

What is new?

Sound mark

EUTM 17277864

Refused under Article 7.1.b



## NEW TYPES OF TRADE MARK

What is new?

### Multimedia mark

- New type of mark
- No description possible
- Representation in MP4
- By definition, multimedia marks are trade marks consisting of, or extending to, the combination of image and sound



## NEW TYPES OF TRADE MARK

What is new?

Multimedia mark

EUTM 17411315



## NEW TYPES OF TRADE MARK

What is new?

Multimedia mark

EUTM 17451816

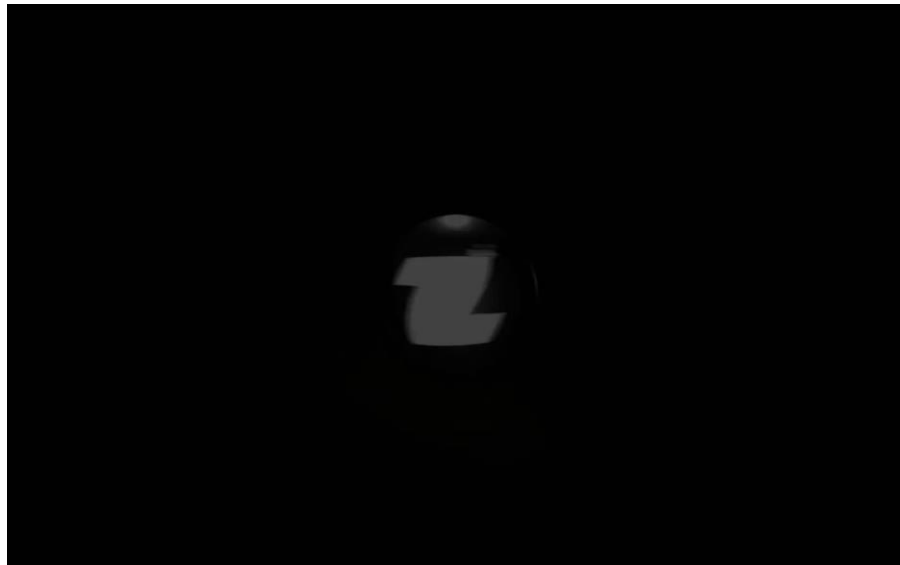


## NEW TYPES OF TRADE MARK

What is new?

Multimedia mark

EUTM 17965087



## NEW TYPES OF TRADE MARK

What is new?

### Hologram mark

- New type of mark
- No description possible
- Representation in JPEG or MP4
- Hologram must contain the views which are necessary to sufficiently identify the holographic effect in its entirety

## NEW TYPES OF TRADE MARK

What is new?

Hologram mark

EUTM 17993401





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**THANK YOU**



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