

Descriptiveness of Trade Marks in Absolute Grounds

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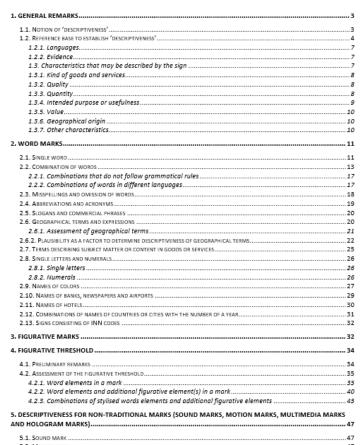
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Rationale

The public interest is that no exclusive rights should be created in purely descriptive terms which other traders might wish to use as well.

It is also in the interest of the public that terms which have a purely informational value should not be reserved for one single trader.



A sign must be refused as descriptive if it has a meaning that is immediately perceived by the relevant public as providing information about the goods and services applied for, namely about

- o 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.



HISTORY for books 200 for cigarettes



24/365 for retail services provided in a convenience store







Easy Wash for machines



PARIS for accommodation services S for clothing 🔀



PURE SILK for ties





Multiple meanings

JUST POLOS for clothing



Composite marks

BIOMILD = BIO MILD



Misspellings

LINQ for goods including electronic devices



Abbreviation
Acronyms

GREEN FINANCE
ALLIANCE
GFA
for financial services



ORT- organic red tomatoes for soup

Absolute grounds for refusal for figurative marks containing purely descriptive/non-distinctive words



A – Word elements	B - Figurative elements
Typeface and font	Use of simple geometric shapes
Combination with colour	The position and proportion (size) of the figurative element in relation to the word
Combination with punctuation marks and other symbols	Whether the figurative element is a representation of the goods and/or services
Position of dominant elements	Whether the figurative element is commonly used in trade in relation to the G&S

How combinations of the criteria affect distinctiveness

of the criteria affect distinctiveness

How do Combination of the Individual Criteria affect Distinctiveness



Flavour and aroma Flavour and aroma flavour and aroma 1.	FlavOur and ArOma
Flavour and aroma Flavour and aroma Flavour and aroma Flavour and aroma and aroma	Flavour and Aroma Flavour and Roma Grown
Fresh sardine sardine Fresh Sardine Fresh Sardine Fresh Sardine	resh Sardine Fresh sardine

NEXT STEPS



- Fill in the questionnaire
- Analyze questionnaire
- Draft Manual
- Revise
- Final document



THANK YOU GRACIAS MERCÍ BEDANKT





























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