

TMclass & HDB

A presentation to the CarPI offices of the benefits and functionalities

Martin Beckman
18 January 2022

An overview of the centralised online tools of EUIPN



Search and Classification Tools

TMview

DESIGNview

TMclass

DESIGNclass

CENTRALISED TOOLS: IP office takes advantage of the existing application hosted at EUIPO to integrate its data.

- ✓ **No data exchange agreement is needed.**
- ✓ **No license agreement is needed.**

TMclass

TMclass - general benefits & key features

1. When you apply for the registration of a trade mark, you need to describe the goods and services you wish to protect with your trade mark.
2. TMclass is an online tool to help users to search, verify, translate and correctly classify goods and services before filing a trade mark application.
3. TMclass includes different databases of goods and services from IP offices worldwide.
4. TMclass gives the user certainty in terms of which goods and services each participating IP office accepts.
5. Helps speeding up an IP office's trade mark examination and registration process.
6. Available 24/7/365.
7. **Free of charge.**

<https://euipo.europa.eu/ec2>

<https://caribbean-tmclass.euipo.europa.eu/ec2/>

TMclass - types of integrations

1. Nice:

- ✓ The IP office uses and accepts the official Nice list.
- **OCPI joined on 08/08/2018**

2. Nice + local goods and services:

- ✓ Terms from other lists such as MGS, HDB or IDlist.
- ✓ Local products and services.
- **ABIPCO joined on 15/11/2021**

3. HDB:

- ✓ The harmonised database of goods and services.
- **ONAPI joined on 27/07/2020**
- **IPOSKN joined on 05/07/2021**
- **CIPO-VC joined on 12/07/2021**
- **BELIPO joined on 13/09/2021**
- **ROCIP joined on 25/10/2021**
- **TTIPO joined on 13/12/2021**

None of these models are exhaustive list of terms.
An IP office can accept goods and services not included.

Classification issues during trademark application and examination

The user files the application

The **user must describe and classify** the goods and services (G & S).



Often done manually without any automated support.



Mistakes are likely to be made, e.g. *unacceptable G&S or classify wrongly.*



Uncertainty for the user: *Deficiencies? Will this slow down the application?*



The office examines the application

This may result in **user complaints** and workload of the staff.



This can lead to extra time needed for examination and **inconsistent** verification and classification of G&S



It can be **difficult to detect** unacceptable or wrongly classified G&S. It can become a **monotonous task**.



The IP office might not have automatic tools to examine G&S

 **Possible solutions**

Nice list?

1. Still a short list. Only updated once per year.
2. The IP office is not obliged to accept the complete Nice list.
3. The user will not know if the G&S applied for will be accepted.

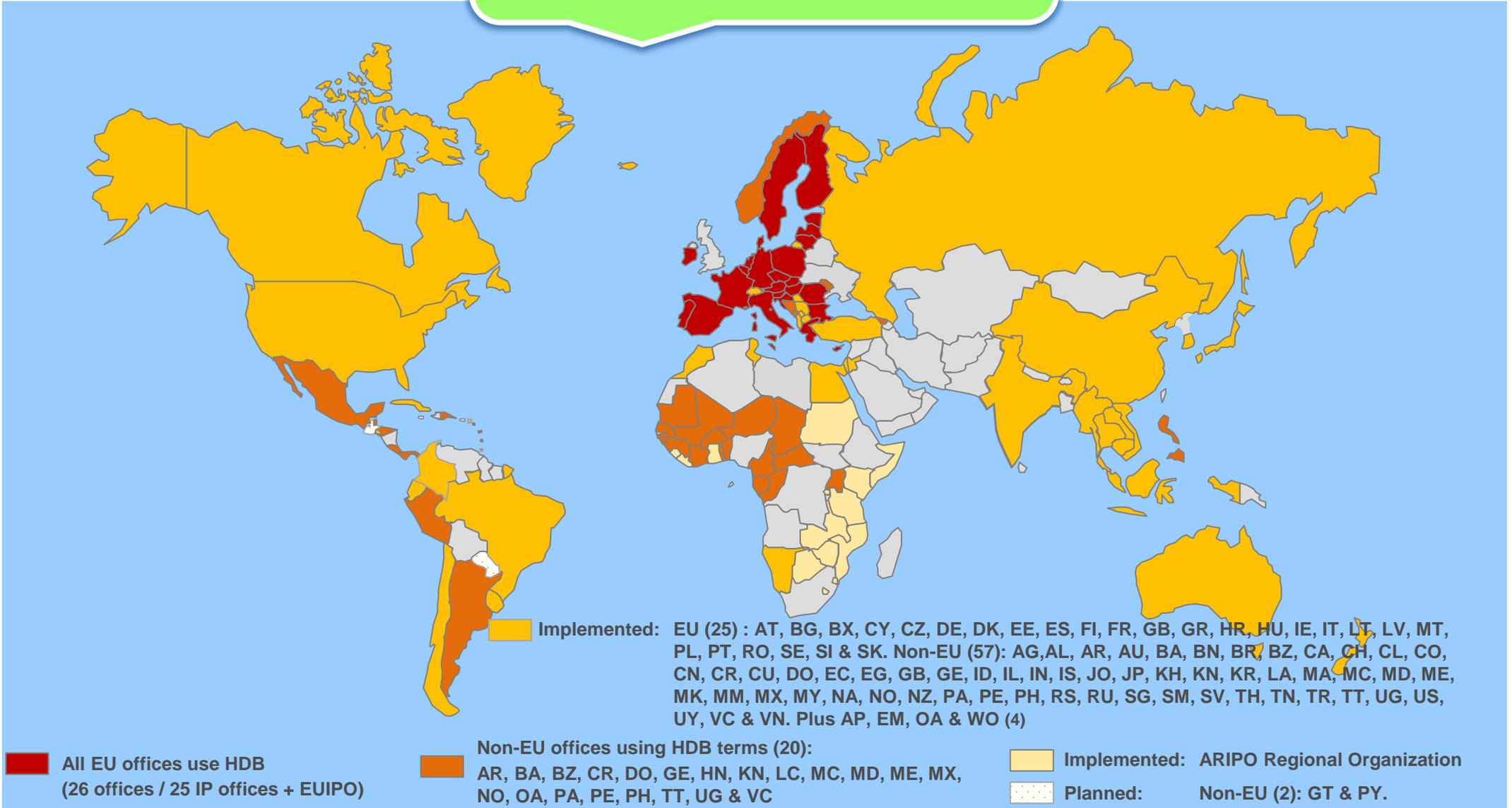


HDB can be a solution. It is based on the Nice classification. It is a list of pre-accepted and pre-classified G&S used and accepted by all participating offices.

HDB benefits for the user

1. Used and accepted by several EU and non-EU IP offices.
2. ~86400 (in EN) harmonised and pre-validated and pre-classified goods and services in one tool.
3. Updated monthly to keep up with new trends, technologies and market developments.
4. Zero risk that an IP office will object to the selection of goods and services.
5. The user is assured that the same goods and services from HDB will be accepted by all IP offices accepting HDB.
6. Even if the working language is different in the IP office, the same goods and services will be accepted. The translation functionality can be used.
7. Taxonomy browse tree which groups goods or services based on concept, relationship and market sectors, helping the user to find the right term.
8. Available 24/7/365.
9. Free of charge.
10. Saves time and money.

89
Implementations
21 non-EU offices using HDB terms



HDB benefits for the new office

1. **HDB respects the Nice classification and its 45 classes.**
2. **HDB includes the official, alphabetical list of Nice (> 10600 terms in EN).**
3. **HDB improves the IP office's trade mark examination process.**
4. **Less manual work and more automated processes.**
5. **The manual examination can be skipped if all goods and services used in the trade mark applications come from the HDB.**
6. **Saves time and money.**

Evolution of the usage of HDB

- 2018:
 - 80% of all the goods and services used in EUTMs applications came from the HDB.
 - G&S automatically accepted by EUIPO. Flagged in the system. No need to examine them again.
 - 50% of the EUTMs used exclusively pre-accepted terms from the HDB.
 - Examiners did **not** have to examine the acceptability and classification of the G&S in these applications.
 - Applications jumped to the next step in the workflow.
 - 14% of classification deficiency rate in EUTMs.
- Q2 2021:
 - **87%** of all the goods and services used in EUTMs applications came from the HDB.
 - G&S automatically accepted by EUIPO. Flagged in the system. No need to examine them again.
 - **57%** of the EUTMs used exclusively pre-accepted terms from the HDB.
 - Examiners did **not** have to examine the acceptability and classification of the G&S in these applications.
 - Applications jumped to the next step in the workflow.
 - **12%** of classification deficiency rate in EUTMs.

TMclass (HDB) - costs descriptions for adopting HDB

Installation costs for the IPO:

1. Software installation at the IPO.
✓ **There is nothing to install. TMclass is hosted at EUIPO.**
2. Connection to the IPO's systems.
✓ **There are no connections to be set up between TMclass and the IPO's systems.**
3. Translation of the static texts for the TMclass interface in the language of the IPO. *
✓ **Not necessary. They are already translated.**
4. Initial translation of all goods and services in Nice or HDB. **
✓ **Not necessary. Both lists are already translated in TMclass.**

Maintenance costs for the IPO:

5. Revision of translations of new Nice or HDB terms.
✓ **Not necessary. EUIPO is responsible for English. OEPM is responsible for Spanish.**

HDB integration process (working language of the IP office is an EU language)

1. The IP office (IPO) agrees to the terms and conditions for its participation in HDB, mainly:
 - The IPO must accept all terms presently in HDB.
 - The IPO must accept all future changes in HDB being new, modified and/or deleted terms in the database.
 2. The IPO assigns a classification expert to the project and sends to EUIPO: Its contact details, logo and public IP used to access the Internet.
 3. EUIPO configures TMclass TEST with the IPO's contact details and logo. There is no software to be installed in the premises of the IPO or any connections to the IPO's systems.
 4. The IPO verifies its details and confirms that expected terms can be searched (UAT).
 5. EUIPO prepares IPO in TMclass PROD. A user account is created with access to an AdminTool (TMC). EUIPO provides knowledge transfer.
 6. Go-live and announcements in the IPO's and EUIPO's different media.
- ✓ **After the Go-live:**
- The EEA/Candidate/Potential Candidate countries can participate in the workflow proposing changes in the database.
 - Other non-EU countries will be included in the workflow with access to TMC in order to receive information on the changes in HDB.

Q & A

Questions?



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

www.euipo.europa.eu



@EU_IPO



EUIPO

Thank you

Presentation		
Status	DRAFT / APPROVED	
Approved by owner	-	
Authors	MB	Martin Beckman
	-	
Contributors	-	
	-	

Revision history			
Version	Date	Author	Description
0.1	17/01/2022	MB	