

TM5

Guidelines for Searching Non-Traditional Marks

November 2021



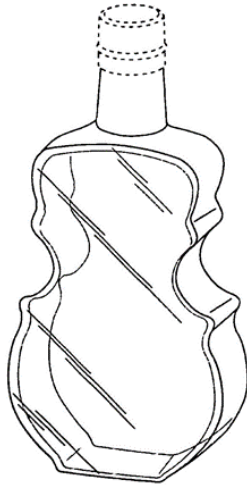
*This Draft features comments of CNIPA and USPTO as of April 25, 2022

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1. Three-Dimensional (3D) Mark

Mark:



Serial Number: 79073123

Description: The mark consists of a three-dimensional configuration of the container for the goods, namely, a bottle consisting of two concave sides, a neck, and a cap, the two concave sides creating an impression of the body of a cello or violin. The dotted outline of a portion of the neck and the entire cap of the bottle are not claimed as features of the mark.

Goods/Services: Spirits and liqueurs (Class 033)

How to Search the Mark

USPTO

Using the appropriate search field, key words from the description may be searched, such as: violin\$, cello\$, bottle\$. The use of the dollar sign (\$) as a truncation operator in the search will also yield the plural or hyphenated versions of these terms. Design codes for various bottles may also be searched by entering the relevant design code in the "Search Term" box and selecting "Design Code" in the "Field" selection box. Relevant design codes in this case include bottles with concave sides (design code 19.09.04), a catch-all "other bottles" category (design code 19.09.25), and the code for violins and similar stringed instruments (design code 22.01.07). Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box.

CNIPA

We use the graphic coding based on the Vienna classification (Second Edition) to index and search 3D marks.

Examiners could search the code for violin (22.1.15) and the code for bottle (19.7.1).

EUIPO

In eSearch Plus, the straight through retrieval method is to use the image-based search feature. The expected result will appear in the first position after uploading this image.

Other search criteria can be used to retrieve this trade mark, such as entering the goods & services, "Spirits and liqueurs," combined with the Vienna code "19.07.06 Bottles or flasks representing a human being, an animal, part of a human body or of an animal's body, or an inanimate object" and applying the filter "3D shape" for trade mark type.

In TMview, as for eSearch+, the image search would be the straight through retrieval method. Other search criteria/filters that can be used also in combination are the mark type (3D Shape), Vienna code (19.07.06 Bottles or flasks representing a human being, an animal, part of a human body or of an animal's body, or an inanimate object)/US design code (19.09.04 Jars with concave sides) and Nice Class (33).

For marks with an image, TMview allows searching by Vienna Code and for USPTO marks also by US design codes.

JPO

A user would select codes he/she thinks appropriate from the Japanese Subsection Table of the Vienna Classification at: <https://www.j-platpat.inpit.go.jp/t1101>. Then, the user would enter, for example, the following codes he/she thinks appropriate to perform a search: *11.3.1 Drinking vessels, cups (trophies), *19.7.2 Bottles or flasks in horizontal cross section other than circular or elliptical.

If he/she thinks another code is appropriate, it is possible to add the code to perform a search using the SQL "AND" condition or "OR" condition. One such example is: 22.1.15 Stringed instruments.

Meanwhile, if the user wishes to perform a search for three-dimensional marks only, it is also possible to add the following code: 40.1 Three-dimensional Mark.

KIPO

A search can be conducted by entering the code combining a national code number for three-dimensional marks (980300) and a Vienna code (190702 or 190706 or 190709) for figurative marks.

*190702 Bottles or flasks in horizontal cross section other than circular or elliptical.

*190706 Bottles or flasks representing a human being, an animal, part of a human body or of an animal's body, or of an animal's body, or an inanimate object.

*190709 Bottles or flasks, slender.

2. Sound Mark With Words

Mark:

(non-visual, sensory mark) Click on this [link](#) to listen to the mark.

Serial Number: 86293026

Description: The mark is a sound mark consisting of a vocalist singing the words, "NATIONWIDE IS ON YOUR SIDE" accompanied by seven musical notes.

Goods/Services: Insurances agencies; Insurance claims administration; Insurance claims processing; Insurance underwriting services for all types of insurance (Class 036).

How to Search the Mark

USPTO

All non-visual marks (sound and scent marks) may be searched in TESS Structured search mode by entering the mark drawing code "6" in the "Search Term" box and selecting "Mark Drawing Code" in the "Field" selection box.

The user may also select the "Description of Mark" value in the Field selection box and enter relevant descriptive terms in the "Search Term" box, such as sound\$, vocal\$, sing\$, music\$, etc. The specific words that are sung, "NATIONWIDE IS ON YOUR SIDE," may also be searched selecting "Basic Index" in the "Field" selection box and entering truncated words in the "Search Term" box. For example, *nation*, *wide*, *your* and *side*.

CNIPA

A separate code is set for searching sound marks.

Musical sound is under search code S1. Non-musical sound is under search code S2, among which, the human voice is under S2.1, animal sound, S2.2, sound in the natural environment, S2.3, machinery sound, S2.4, and other sound, S2.5.

The mark will be searched as foreign language (English) by NATIONWIDE IS ON YOUR SIDE and as sound under S.1 and S2.1

EU IPO

In eSearch Plus, using separately or combined (for a more accurate result) the following search criteria: type of mark "Sound mark", owner name "Nationwide Mutual Insurance Company", Nice classification "Class 036".

In TMview, as in eSearch+, the combination of search criteria: mark type (Sound), owner name (Nationwide Mutual Insurance Company) and Nice Class (36).

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search:

41.1.1.1 Sound made by a human singing or speaking words

41.1.9.7 Seven or more sounds together/sound of seven or more sounds

In addition, users can conduct searches for the mark by adding the linguistic element constituting "NATIONWIDE IS ON YOUR SIDE" in the mark as a search key.

In searches, users can also conduct searches by separating the indication word by word, such as "NATIONWIDE." Also, searches can be conducted by using the pronunciation of the mark, such as "ne-shon waido on yua sido" (Japanese way of being read).

KIPO

A search can be conducted by entering the national code number for sound marks (980100).

If a sound mark with words is filed, the key words may be searched based on "description of mark" and "sounds file", such as "nation"+"nationwide"+"side".

Korean words that have the same sound or meaning as the keyword may also be searched. Special characters like "&" (and), "+" (or) and "/" or "?" (truncation) may be used for efficient search.

3. Sound Mark Without Words

Mark:

(non-visual, sensory mark) Click on this [link](#) to listen to the mark.

Serial Number: 87859667

Description: The mark is a sound. The mark consists of a musical composition featuring three sequential notes played by a piano keyboard in common 4/4 time: a C5 quarter note, G5 half note, and C5 quarter note, followed by a resolution chord consisting of an F5 and C6 whole note.

Goods/Services: Broadcasting and streaming of audio-visual content services (Class 038), a variety of education and entertainment services (Class 041), and hosting of digital content on the Internet (Class 042). Please see the [registration](#) in the USPTO's Trademark Status & Document Retrieval (TSDR) database for the complete list

How to Search the Mark

USPTO

All non-visual marks (sound and scent marks) may be searched in TESS Structured search mode by entering the mark drawing code "6" in the Search Term box and selecting "Mark Drawing Code" in the "Field" selection box.

The user may also select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as sound\$, music\$, note\$, chord\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms.

CNIPA

A separate code is set for searching sound marks. Musical sound is under search code S1. Non-musical sound is under search code S2, among which, human voice is under S2.1, animal sound, S2.2, sound in natural environment, S2.3, machinery sound, S2.4, and other sound, S2.5. The mark will be searched under S.1.

EUIPO

In eSearch Plus, using separately or combined (for a more accurate result) the following search criteria: type of mark "Sound mark", owner name "Hulu, LLC", Nice classification "038, 041, and 042". By uploading an image of the pentagram ("representation of the sound in musical notation"), the sound mark would also be retrieved through the use of the image recognition. For sound marks filed only with an "audio file," the pentagram search would not be used.

In TMview, as in eSearch+, the combination of search criteria: mark type (Sound), owner name ("Hulu, LLC") and Nice Classes (38,41,42). Also, by uploading an image of the pentagram and using image search.

JPO

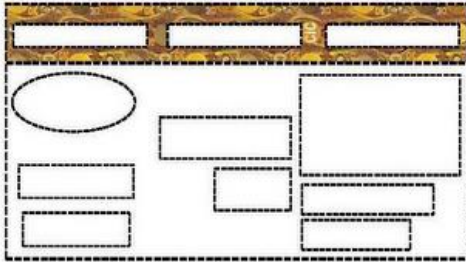
The user would enter, for example, the following codes he/she thinks appropriate to perform a search: 41.1.5.4 Sound played on a keyboard instrument.

KIPO

A search can be conducted by entering the national code number for sound marks (980100).

4. Hologram Mark

Mark:



Serial Number: 87147426

Description: The mark consists of a hologram featuring a repeating pattern of circles, circles with laurel wreaths, the letters "CIC", the letters "OK", and wavy lines, all in the color gold. The pattern appears at the top of the coupons, and the broken lines indicate the mark's placement on the goods. The matter in dotted lines is not claimed as part of the mark.

Goods/Services: coupons (Class 016)

How to Search the Mark

USPTO

A user may enter key words in the "Search Term" box and select "Description of Mark" in the "Field" selection box. Words that describe the type of mark, such as hologram\$ and holograph\$, as well as words that describe the pattern, such as laurel\$, wreath\$, and the literal elements of the mark, such as "CIC" and "OK" all may be searched by selecting "Description of Mark" in the "Field" selection box. Design codes for coupons may also be searched by selecting "Design Code" as the "Field" value, such as design code 20.03.24, which encompasses coupons. Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box.

Moreover, the text *CIC*, *okay* and *OK* may be searched as literal elements of the mark by selecting the "Basic Index" Field value. The user may include the asterisk (*) as a truncation operator to broaden the results in the "Basic Index" Field. The use of pattern matching allows the search of phonetic equivalents/similar -sounding terms. For instance, replacing a "K" in *okay* with {"CKQ"} will bring up terms that sound similar.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, using the search criteria trademark type "Hologram", entering the text "CIC OK" in the trademark name search field. Also using the image-based search. Combining the former criteria with Vienna codes "26.01 Circles" and "26.04.02 Rectangles" and entering the Nice classification.

In TMview, as in eSearch+ by the use of following search criteria: mark type (Hologram), mark name (CIC OK), image search, Vienna Codes (26.01 Circles; 26.04.02 Rectangles).

In TMview, the search by mark name allows following qualifiers: "contains", "word", "is", "begins with", "ends with" and fuzzy search.

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search: *5.13.7 Garlands, bands, borders or frames made of plants, *25.7.1 Surfaces or backgrounds covered with repeated geometrical figures or designs.

If he/she thinks another code is appropriate, it is possible to add the code to perform a search using the SQL "AND" condition or "OR" condition. One such example is; *26.1.6 Several circles or ellipses, juxtapose, tangential or intersecting.

In addition, users can conduct searches by adding the words "CIC" and "OK" in the mark as search keys. Also, searches can be conducted by using the pronunciation of these key words, such as "si-ai-si" and "oh-kei" (Japanese way of being read).

Meanwhile, if the user wishes to perform a search for hologram marks only, it is also possible to add the following code: 43.1 Hologram Mark.

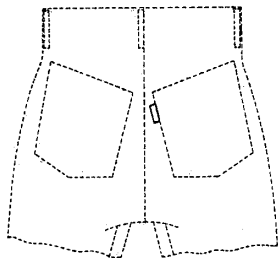
KIPO

A search can be conducted by entering the national code number for hologram marks (980500). Geometrical figures of Vienna Code—Ellipses and Squares (260102 or 260402)—may also be searched.

Since similarity is based on the visual representation of the trademark, the search may be done focusing on the characters displayed on the drawing and the keywords (English, Korean) written in the "Description of the trademark".

5. Position Mark

Mark:



Serial Number: 72074095

Description: The mark consists of a small white marker or tab affixed to the exterior of the garment at the hip pocket.

Goods/Services: Pants (Class 025)

How to Search the Mark

USPTO

A user may enter key words in the "Search Term" box and select "Description of Mark" in the "Field" selection box. Words that describe the features of mark, such as tab\$, marker\$, pocket\$ or label\$ as well as the nature of the mark, such as position\$, affix\$, \$garment or the location, such as exterior\$. The use of the dollar sign (\$) truncation operator in the Search Terms will also yield variations of these terms.

Design codes for labels may also be searched in the Search Term box by selecting "Design Code" in the "Field" selection box, such as clothing labels (design code 09.01.02) and white as a single color used on packaging, labels or signs (design code 29.04.09). Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, using the image-based search by uploading this trade mark image. Also using different search criteria such as Vienna codes "09.03.03 Trousers, breeches" and "09.03.19 Clothing pockets". Combining the different criteria aforementioned would contribute to narrow by Vienna codes and sort the results by image relevance.

In TMview by using following search criteria/filtering: image search; mark type (Position); Vienna Code (09.03.03 Trousers; 09.03.19 Pockets) / US design codes (09.03.02 Shorts; 09.03.16 Pockets) and Nice Class (25 Clothing).

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search:

A9.3.3 Trousers, breeches

A9.3.19 Clothing pockets

If he/she thinks another code is appropriate, it is possible to add the code to perform a search using the SQL "AND" condition or "OR" condition. One such example is: *26.4.2 Rectangles.

Meanwhile, if the user wishes to perform a search for position marks only, it is also possible to add the following code: 45.1 Position Mark.

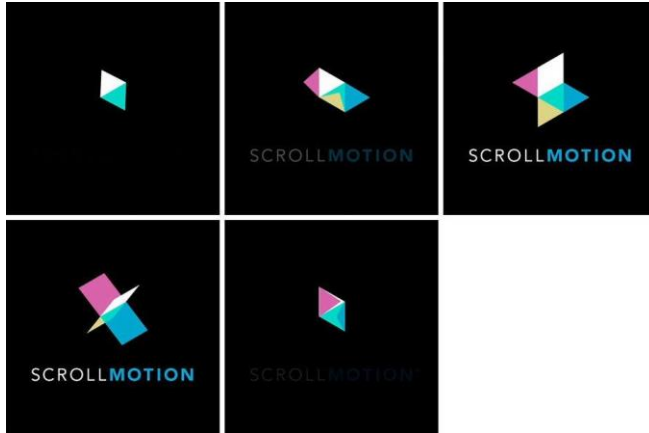
KIPO

A search can be conducted by entering the national code number for other trademarks (980600).

6. Motion Mark

Mark:

(Still images of motion mark are shown below. To view in motion, click this [link](#).)



Serial Number: 86037880

Description: The mark consists of a motion mark beginning with a design emerging from a black background composed of two contiguous triangles, one white and the other green, forming a parallelogram against a black background, then unfolding into a larger parallelogram made up of the colors pink, white, green, blue and yellow, beneath which is the word "SCROLLMOTION", with "SCROLL" in white capital letters and "MOTION" in blue thicker capital letters, then transforming into an X-shape that spins, folds up and then becomes two contiguous triangles, one pink and white and the other blue and green, forming a parallelogram, while the word "SCROLLMOTION" first intensifying in brightness and finally fading to black.

Goods/Services: Computer services, in the nature of computer programming, namely, modifying and managing digital content to ensure compatibility with mobile devices; providing temporary use of non-downloadable computer software for the creation and management of content on mobile devices (Class 042)

How to Search the Mark

USPTO

A user may enter words in the "Search Term" box and select "Description of Mark" in the "Field" selection box that describe the nature of the mark, such as motion\$, mov\$ and animat\$ as well as specific words that appear in the mark such as scroll\$. In addition, a user may enter truncated or pattern-matched terms like *s{"ckq"}rol* and *moti{v}n* in the "Search Term" box and select "Basic Index" in the "Field" selection box. The use of the "v" in curly brackets will bring up all vowels. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

By selecting "Design Code" in the "Field" selection box design codes may be searched for various shapes such as two triangles (design code 26.05.13), triangles touching or intersecting (design code 26.05.16), triangles that are completely or partially shaded (design code 26.05.21), plain single or

multiple line polygons (26.15.02), diamonds with bars, bands and lines (design code 26.07.12), diamond shapes (design code 26.07.28), diamonds that are completely or partially shaded (design code 26.07.21), geometric solids other than spheres, cylinders, cones, cube, prisms or pyramids (design code 26.19.25) and paper airplanes (design code 21.01.25). Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, using the search criteria "type of mark" and selecting it to "Motion mark". Additionally, entering additional information such as typing "Scrollmotion" in the trade mark name search field, adding different Vienna codes to the search (polygons, triangles, colour black, stylized letters, lines, etc.) would contribute to reduce the number of results.

In TMview, as in eSearch+, using the search criteria: mark type (Motion); mark name (SCROLLMOTION); Vienna code (26.03.04 Triangles intersecting) / US design codes (26.05.13 Two triangles; 26.05.16 Triangles touching or intersecting) and Nice Class (42)

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search:

*26.3.2 Two triangles, one inside the other

*26.3.4 Several triangles, juxtaposed, joined or intersecting

*26.4.9 Several quadrilaterals juxtaposed, joined or intersecting

If he/she thinks another code is appropriate, it is possible to add the code to perform a search using the SQL "AND" condition or "OR" condition. One such example is: 7.1.13.02 Wind mills.

In addition, users can conduct searches by adding the letter portion of "SCROLLMOTION" constituting the mark as a search key. Also, searches can be conducted by using the pronunciation of the mark, such as "sukuro-ru mo-shon" (Japanese way of being read).

Meanwhile, if the user wishes to perform a search for motion marks only, it is also possible to add the following code: 42.1 Motion Mark.

KIPO

A search can be conducted by entering the national code number for motion marks (980400).

Geometrical figures of Vienna Code —Squares (260402)—may also be searched.

If the motion mark contains characters, a keyword like "scroll or motion" may be searched based on the drawing and the "Description of the trademark".

Korean words that have the same sound or meaning as the keyword may also be searched.

7. Scent/Olfactory Mark

Mark:

(non-visual, sensory mark) The scent of toy modeling compounds (Play-Doh)

Serial Number: 87335817

Description: The mark is a scent of a sweet, slightly musky, vanilla fragrance, with slight overtones of cherry, combined with the smell of a salted, wheat-based dough.

Goods/Services: toy modeling compounds (Class 028)

How to Search the Mark

USPTO

All non-visual marks (sound and scent marks) may be searched in TESS Structured search mode by entering the mark drawing code "6" in the "Search Term" box and selecting "Mark Drawing Code" in the "Field" selection box.

The user may also select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as scent\$, vanilla\$, cherr\$, salt\$, wheat\$, and dough\$. Similar terms may also be searched such as smell\$, odor\$, musk\$. The use of the dollar sign(\$) truncation operator in the search will yield variations of these terms. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, the search criteria "trade mark type" has to be set to "Olfactory". Currently there are no searchable trade marks in this category. Adding information in the "Nice Classification" and "name of the company" or "owner name" would help with a hypothetical search.

In TMview as in eSearch+ by using search criteria: mark type (Olfactory) and Nice class (28).

Also using the owner name (Hasbro, Inc.) would help to find the mark.

JPO

The JPO does not accept this type of trademark application. In addition, non-traditional trademarks that are not subject to protection under the Japanese trademark system cannot include any description.

Thus no search term is assigned to such trademarks because it cannot be identified what type of trademarks they are.

KIPO

A search can be conducted by entering the national code number for scent marks (980200).

Since similarity is based on the visual representation of the trademark, the search may be done focusing on the characters displayed on the drawing and the keywords (English, Korean) written in the "Description of the trademark".

8. Taste Mark

Mark:

(non-visual, sensory mark) The mark is a taste mark.

Serial Number: 76467774

Description: The mark is the flavor of orange

Goods/Services: Pharmaceuticals for human use, namely, antidepressants in quick-dissolving tablets and pills (Class 005)

How to Search the Mark

USPTO

All non-visual marks (sound and scent marks) may be searched in TESS Structured search mode by entering the mark drawing code "6" in the "Search Term" box and selecting "Mark Drawing Code" in the "Field" selection box.

The user may also select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as taste\$ and orang\$. Another similar term that may be searched is flavor\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms.

CNIPA

Unacceptable currently.

EUIPO

Currently eSearch plus lacks of specific search criteria for taste marks.

TMview also lacks a specific mark type to search for taste marks, but it could be found under mark type "Other". Other general search criteria may be used such as owner name (N.V. Organon) and Nice class (5).

JPO

The JPO does not accept this type of trademark application. In addition, non-traditional trademarks that are not subject to protection under the Japanese trademark system cannot include any description.

Thus no search term is assigned to such trademarks because it cannot be identified what type of trademarks they are.

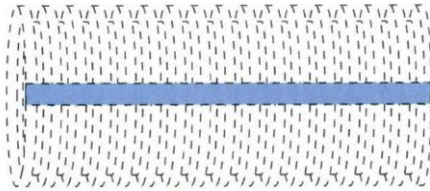
KIPO

The application will not be automatically refused just because the application is for the taste mark. However, since there are no specific examination standards and DB related to the taste mark, the

criteria for other non-traditional marks will be applied to the application. For this reason, it is difficult to provide information on how to search taste marks.

9. Tracer Mark

Mark:



Serial Number: 77646703

Description: The mark consists of a blue stripe applied to the length of the goods. The broken lines form no portion of the mark and are provided only to illustrate placement of the mark on the goods.

Goods/Services: Flexible non-metal corrugated pipes for drainage and sewage purposes, but not for irrigation purposes, and fittings couplings therefor (Class 017); and Non-metal storm water treatment units (Class 019)

How to Search the Mark

USPTO

The user may also select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as blue\$ and stripe\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

Design codes for blue displayed in various ways may be searched, such as blue as a single color used on a portion of the goods (design code 29.03.03), blue as a single color used on packaging, labels, or signs (design code 29.04.03), blue as part of multiple colors used on portion of the goods (design code 29.06.03), and blue as part of multiple colors used on packaging, labels or signs (design codes 29.07.03). Further, the design code for pipes and fittings and tubes (design code 14.01.01) may also be searched. Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, addition of the corresponding Vienna codes and goods and services to the search criteria, in combination with the type of trade mark "figurative" and "shape mark". In case of searching in the RCD database, the addition of Product indication search criteria and Locarno classification.

Both for trade marks and design searches it is recommended also to sort the results by image relevance, by using the image recognition feature.

In TMview, by using the following search criteria/filters: mark type (Kennfaden); image search; Vienna code / US design code (14.01.01 Tubes) and Nice classes (17, 19).

JPO

JPO does not sort "Tracer Marks" separately; the search may be done in the same way as the Position Marks if there is any application filed.

KIPO

KIPO does not sort "Tracer Marks" separately; the search may be done in the same way as the Position Marks if there is any application filed.

10. Multimedia Mark

Mark:

(Still images of multimedia mark are shown below. To view in motion, click this [link](#) showing the mark at the beginning of the specimen.)



Serial Number: 86720594

Description: The mark consists of a composite motion and sound mark depicting a television screen of static "snow" out of which emerges the "HBO ENTERTAINMENT" logo, and then the static snow fades out and the "HBO ENTERTAINMENT" logo morphs to sharp lettering appearing against the background before the wording fades out. Simultaneously with the fading in and out portion of the visual component, the sound element is the sound of static "turning on" and then fading out as it resolves to an ascending choir-like bass chord.

Goods/Services: A variety of entertainment services in Class 041. For a full list, see the mark file [here](#).

How to Search the Mark

USPTO

The user may also select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box,, such as static\$, sound\$, motion\$, television\$, TV\$, snow\$, and multimedia\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

Specific words may also be searched as the literal elements of the mark by selecting "Basic Index" in the "Field" selection box and using truncation operators, such as *hbo*, HBO\$, "h b o", "hb o", "h bo", home\$, box\$, and office\$.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, the search criteria "trade mark type" has to be set to "Multimedia". Adding the information "HBO" in the "Trade mark name" would help to retrieve the result accurately.

In TMview, as in eSearch+, following search criteria can be used: mark type (Multimedia); mark name (HBO ENTERTAINMENT) and also Nice class (41).

JPO

The JPO does not accept this type of trademark application. In addition, non-traditional trademarks that are not subject to protection under the Japanese trademark system cannot include any description.

Thus no search term is assigned to such trademarks because it cannot be identified what type of trademarks they are.

KIPO

KIPO does not sort "Multimedia Marks" separately; the search may be done in the same way as the Motion Marks if there is any application filed.

11. Touch Mark

Mark:

(non-visual, sensory mark)



Serial Number: 77858216

Description: The mark consists of a leather texture wrapping around the middle surface of a bottle of wine. The mark is a sensory, touch mark.

How to Search the Mark

USPTO

The user may select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as textur\$, leather\$, sensory, and touch\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

Design codes for various bottles may also be searched by entering the relevant design codes in the "Search Term" box and selecting "Design Code" in the "Field" selection box. Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box. If necessary, searches may be limited to marks that do not feature any literal elements by entering the mark drawing code "2" in the "Search Term" box and selecting "Mark Drawing Code" in the "Field" selection box.

CNIPA

Unacceptable currently.

EU IPO

In eSearch Plus, the search criteria "trade mark type" has to be set to "Other". Adding the information of the class 33 would help to retrieve the result in first positions.

TMview also lacks a specific mark type to search for touch marks, but it could be found under mark type "Other".

Other general search criteria may be used as owner name (The David Family Group LLC) and Nice class (33).

JPO

The JPO does not accept this type of trademark application. In addition, non-traditional trademarks that are not subject to protection under the Japanese trademark system cannot include any description.

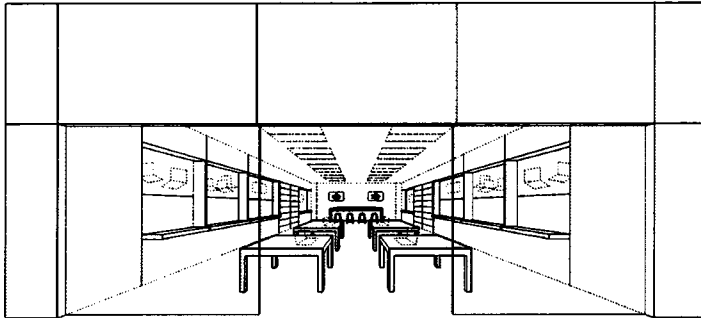
Thus no search term is assigned to such trademarks because it cannot be identified what type of trademarks they are.

KIPO

It will not be automatically refused just because the application is for the touch mark. However, since there are no specific examination standards and DB related to the touch mark, the criteria for other non-traditional marks will be applied to the application. For this reason, it is difficult to provide information on how to search touch marks

12. Store Layout Mark

Mark:



Serial Number: 85036990

Description: Color is not claimed as a feature of the mark. The mark consists of the design and layout of a retail store. The store features a clear glass storefront surrounded by a paneled facade consisting of large, rectangular horizontal panels over the top of the glass front, and two narrower panels stacked on either side of the storefront. Within the store, rectangular recessed lighting units traverse the length of the store's ceiling. There are cantilevered shelves below recessed display spaces along the side walls, and rectangular tables arranged in a line in the middle of the store parallel to the walls and extending from the storefront to the back of the store. There is multi-tiered shelving along the side walls, and an oblong table with stools located at the back of the store, set below video screens flush mounted on the back wall. The walls, floors, lighting, and other fixtures appear in dotted lines and are not claimed as individual features of the mark; however, the placement of the various items are considered to be part of the overall mark.

Goods/Services: Retail store services featuring computers, computer software, computer peripherals, mobile phones, consumer electronics and related accessories, and demonstration of products relating thereto (Class 035)

How to Search the Mark

USPTO

The user may select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as design\$, layout\$, store\$, configuration\$, façade\$, and panel\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms.

Design codes may also be searched for foyer and lobbies as interior parts of dwellings or buildings (design code 07.05.10), stores (design code 07.03.06), shelves (design code 12.01.08), stools (design code 12.01.04), television screens (design code 16.01.03), and tables (design code 12.01.07).

Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

CNIPA

Unacceptable currently.

EUIPO

In eSearch Plus, addition of the corresponding Vienna codes and goods and services to the search criteria, in combination with the type of trade mark "figurative" and "shape mark". In case of searching in the RCD database, the addition of Product indication search criteria and Locarno classification. The addition of the goods and services class 035 will contribute to narrow the results of trade marks.

Both for trade mark and design searches it is recommended also to sort the results by image relevance, by using the image recognition feature.

In TMview, as in eSearch+, following search criteria could be used: image search, mark type (figurative), Vienna code (07.03 Interiors) / US design code (07.05.10 Lobbies) and Nice class (35).

JPO

The user would enter, for example, the following codes he/she thinks are appropriate to perform a search:

*7.1.17 Kiosks, shelters, fair booths, market stalls

A12.1.15 Tables, work benches, butchers' blocks, shop counters

A12.1.21 Sets of shelves, whatnots, dressers

If he/she thinks another code is appropriate, it is possible to add the code to perform a search using the SQL "AND" condition or "OR" condition. One such example is: *16.1.4 Televisions, machinery and equipment for telecommunication, recording, or sound reproduction, and computers.

Meanwhile, if the user wishes to perform a search for three-dimensional marks only, it is also possible to add the following code: 40.1 Three-dimensional Mark

KIPO

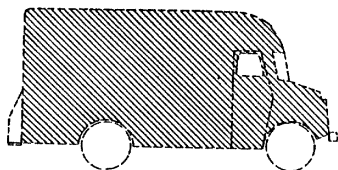
KIPO sorts "Store Layout" as a Three-dimensional trademark and therefore uses the same search method as the three-dimensional trademark.

If the drawing contains characters, keywords (English, Korean) may be searched.

13. Single Color Mark – Services

Mark:

(Drawing only to show placement of the color)



Serial Number: 75039323

Description: The mark consists of the color brown applied to the vehicles used in performing the services. The drawing is lined for the color brown.

Goods/Services: Motor vehicle transportation and delivery of personal property (Class 039)

How to Search the Mark

USPTO

Design codes may be searched for brown as a single color used on the entire surface of the goods or objects related to rendering the services. In this case, the single color design code for brown (design code 29.02.02) may be searched in combination with design codes for the vehicles used in performing the services, such as trucks (design code 18.05.05) and motorized land vehicles (design code 18.05.\$). Descriptions of the design codes assigned to marks may be searched by entering relevant terms in the "Search Term" box and selecting "Design Description" in the "Field" selection box. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

The user may select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as brown\$, vehicl\$, truck\$ and deliver\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms.

CNIPA

A single-color mark is not acceptable currently. Only combinations of two or more colors can be applied for trademark registration.

Colors are searched under design code 29.1, with 29.1.12 for two colors, 29.1.13 for three colors, 29.1.14 for four colors and 29.1.15 for five or more colors.

For this mark, figurative codes 18.1.7 for motor vehicles and A18.1.8 for trucks also need to be searched.

EUIPO

In eSearch Plus, addition of the corresponding Vienna codes and good and services to the search criteria, in combination with the type of trade mark "figurative" and "shape mark". In case of searching in the RCD database, the addition of Product indication search criteria and Locarno classification. The addition of the goods and services class 039 will contribute to narrow the results of trade marks.

Both for trade marks and design searches it is recommended also to sort the results by image relevance, by using the image recognition feature.

In TMview, following search criteria could be used: mark type (color), Vienna codes (18.01.08 Lorries; 29.01.07 brown) / US design codes (18.05.05 trucks; 29.02.02 brown as single color) and Nice class (39).

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search:

A18.1.8 Lorries, coaches, tractors, trolleybuses

29.1.7.2 Brown (figures)

Meanwhile, if the user wishes to perform a search for Color per se marks only, it is also possible to add the following code: 44.1 Color per se mark.

KIPO

Color marks may be searched by entering the national code number for color marks (980700).

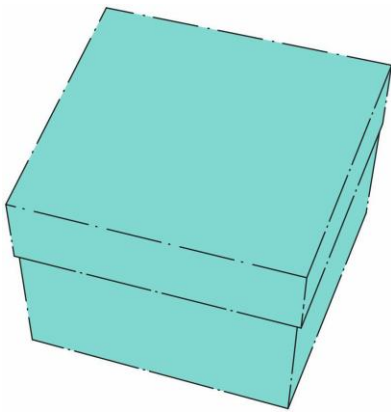
However, in Korea, a color mark should be filled with a single color or combination of colors, so that there is no space left in the drawing.

Therefore, the presented example cannot be registered as a color mark in Korea.

14. Single Color Mark – Goods

Mark:

(Drawing only to show placement of the color)



Serial Number: [75544375](#)

Description: The color(s) blue is/are claimed as a feature of the mark. The mark consists of a shade of blue often referred to as robin's-egg blue which is used on boxes. The matter shown in broken lines represents boxes of various sizes and serves to show positioning of the mark. No claim is made to shape of the boxes.

Goods/Services: Jewelry (Class 014) and Retail jewelry store services (Class 035) along with a variety of other goods and services.

How to Search the Mark

USPTO

Design codes may be searched for blue as a single color used on packaging or labels for the goods, or in signs, advertisements or the like for services. In this case, the single-color design code for blue on packaging (design code 29.04.03) and blue as a single color used for the entire surface of the items used in rendering the services (design code 29.02.03) may be entered in the "Search Term" box and selecting "Design Code" in the "Field" selection box. If necessary, searches may be limited to

appropriate Nice classes by adding the class number (001 – 045) in the second “Search Term” box and selecting “International Class” in the “Field” selection box.

The user may select the “Description of Mark” value in the “Field” selection box and enter relevant descriptive terms in the “Search Term” box, such as blu\$ and box\$ or packag\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms.

CNIPA

A single-color mark is not acceptable currently. Only combinations of two or more colors can be applied for trademark registration.

Colors are searched under design code 29.1, with 29.1.12 for two colors, 29.1.13 for three colors, 29.1.14 for four colors and 29.1.15 for five or more colors.

For this mark, figurative codes 19.1.3 for packing cases, 19.3.3 for small packing cases, 26.15.9 for cubes and 26.15.11 for parallelepipeds need to be searched. .

EUIPO

In eSearch Plus, addition of the corresponding Vienna codes and goods and services to the search criteria, in combination with the type of trade mark “figurative” and “shape mark”. In case of searching in the RCD database, the addition of Product indication search criteria and Locarno classification are useful. The addition of the goods and services classes 014 and 035 will contribute to narrow the results of trade marks.

Both for trade mark and design searches it is recommended also to sort the results by image relevance, by using the image recognition feature.

In TMview, following search criteria could be used: mark type (color), Vienna codes (29.01.04 blue color) / US design codes (29.02.03 or 29.04.03) and Nice class (014 and 035).

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search:

A.19.3.25 Other small containers

29.1.4.2 Blue (figures)

Meanwhile, if the user wishes to perform a search for Color per se marks only, it is also possible to add the following code: 44.1 Color per se mark.

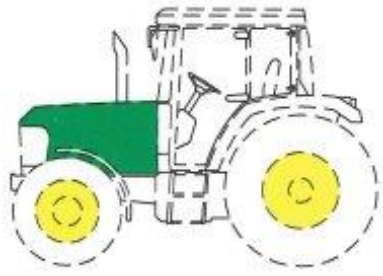
KIPO

Color marks may be searched by entering the national code number for color marks (980700).

15. Color Combination Mark

Mark:

(Drawing only to show placement of the colors)



Serial Number: 85015444

Description: The mark consists of the color combination green and yellow in which green is applied to an exterior surface of the vehicle and yellow is applied to the wheels. The broken-line outlining is to show the position or placement of the mark on the goods. The outlining and the shape of the vehicle are not claimed as part of the mark.

Colors Claimed: The colors green and yellow are claimed as a feature of the mark.

Goods/Services: Tractors and lawn and grounds care tractors (Class 012)

How to Search the Mark

USPTO

Design codes may be searched for green as one of multiple colors used on a portion of the goods/services (design code 29.06.06), yellow as one of multiple colors used on a portion of the goods/services (design code 29.06.08), tractors (design code 18.05.08), and motorized land vehicles (design code 18.05.\$) by entering them in the "Search Term" box and selecting "Design Code" in the "Field" selection box.. If necessary, searches may be limited to appropriate Nice classes by adding the class number (001 – 045) in the second "Search Term" box and selecting "International Class" in the "Field" selection box.

The user may select the "Description of Mark" value in the "Field" selection box and enter relevant descriptive terms in the "Search Term" box, such as green\$ or yellow\$. The use of the dollar sign (\$) truncation operator in the search will yield variations of these terms

CNIPA

A single-color mark is not acceptable currently. Only combinations of two or more colors can be applied for trademark registration.

Colors are searched under design code 29.1, with 29.1.12 for two colors, 29.1.13 for three colors, 29.1.14 for four colors and 29.1.15 for five or more colors.

This mark would be searched under 29.1.12 for two colors, 18.1.7 for motor vehicles and A18.1.8 for tractors.

EUIPO

In eSearch Plus, one should add the corresponding Vienna codes and goods and services to the search criteria, in combination with the type of trade mark "figurative" and "shape mark". In case of searching in the RCD database, one should add the Product indication search criteria and Locarno classification. The addition of the goods and services class 012 will contribute to narrow the results of trade marks.

Both for trade mark and design searches it is recommended also to sort the results by image relevance, by using the image recognition feature.

In TMview, the following search criteria could be used: mark type (color), Vienna codes (18.01.08 tractors; 29.01.02 yellow; 29.01.03 green; 29.01.12 two predominant colours) / US design codes (29.06.06; 29.06.08; 18.05.08) and Nice class (12).

JPO

The user would enter, for example, the following codes he/she thinks appropriate to perform a search:

*18.1.7 Motor road vehicles

29.1.2.2 Yellow (figures)

29.1.3.2 Green (figures)

Meanwhile, if the user wishes to perform a search for Color per se marks only, it is also possible to add the following code: 44.1 Color per se mark

KIPO

Color marks may be searched by entering the national code number for color marks (980700).

However, in Korea, a color mark should be filled with a single color or combination of colors, so that there is no space left in the drawing. A color mark consists solely of a single color or a combination of colors without any non-color elements.

--- End ---