EU Trademark Reform Update
Non-conventional trade marks

Gordon HUMPHREYS
Fordham IP Conference, 5-6 April 2018
Art. 3 (3) IA: SPECIFIC TM TYPES

5 existing TM types redefined

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5 new TM types added

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Art. 3 (3) IA: SPECIFIC TM TYPES

**Shape**

Definition expanded, includes appearance

No description

New formats: 3D modelling CAD

Rubrik’s cube
Case C-30/15

ANGRY BOY by Vigeland
Case E-5/16,
Position

Disclaim elements (broken lines)

Description optional (affixed to goods)

Pattern

Reproduction showing pattern

Description optional (how elements are repeated)

T-629/16 and T 85/16
Colour marks

The indication of recognised colour codes remains compulsory

Colour Combinations:
The reproduction must show the systematic arrangement of the colours

A description may be filed detailing the systematic arrangement further

T-101/15 and T-102/15

C-163/16
‘Other’ marks

- Smell?
- Taste?
- Tactile / Texture?

Samples not acceptable

Hologram

Video file, graphic or photographic reproduction containing the views which are necessary to sufficiently identify the holographic effect in its entirety

No description
• 50 applications by end Oct. 2017
• Certification that G & S comply with quality standards in use regulations
• Applicants can be natural or legal persons
• Applicants cannot carry on a business that supplies certified G & S

Geographic origin cannot be certified

Brings EU into line with US, UK, Australia, China and South Korea