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EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

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Developing and Updating Trademark Manuals and Guidelines: EUIPO Experience

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27 June 2022

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Outline of the presentation

1. General overview of EUIPO guidelines
2. Benefits of EUIPO guidelines
3. Revision of EUIPO guidelines

1. General overview of EUIPO guidelines

The Office's current trade mark and design practice is reflected in a series of structured Guidelines that are intended to be of practical use both to Office staff in charge of the various procedures and to users of the Office's services.

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General overview of EUIPO guidelines

- Professional representatives
- Holders
- EUIPO Staff

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General overview of EUIPO guidelines

PRACTICE MANUAL

Internal focus

2014

GUIDELINES

External focus

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General overview of EUIPO guidelines

A unique source of reference on Office practice

SHARED PARTS

TRADE MARKS

DESIGNS

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General overview of EUIPO guidelines

SHARED PARTS

- Part A: General rules
- Part E: Register operations

TRADE MARKS

- Part B: Examination
- Part C: Opposition
- Part D: Cancellation
- Part M: International marks

DESIGNS

- Examination of applications for registered Community designs
- Examination of design invalidity applications

2. Benefits of EUIPO guidelines

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Benefits of EUIPO guidelines

- Coherence
- User satisfaction
- Predictability
- Quality
- Efficiency
- Convergence
- Simplification
- Transparency

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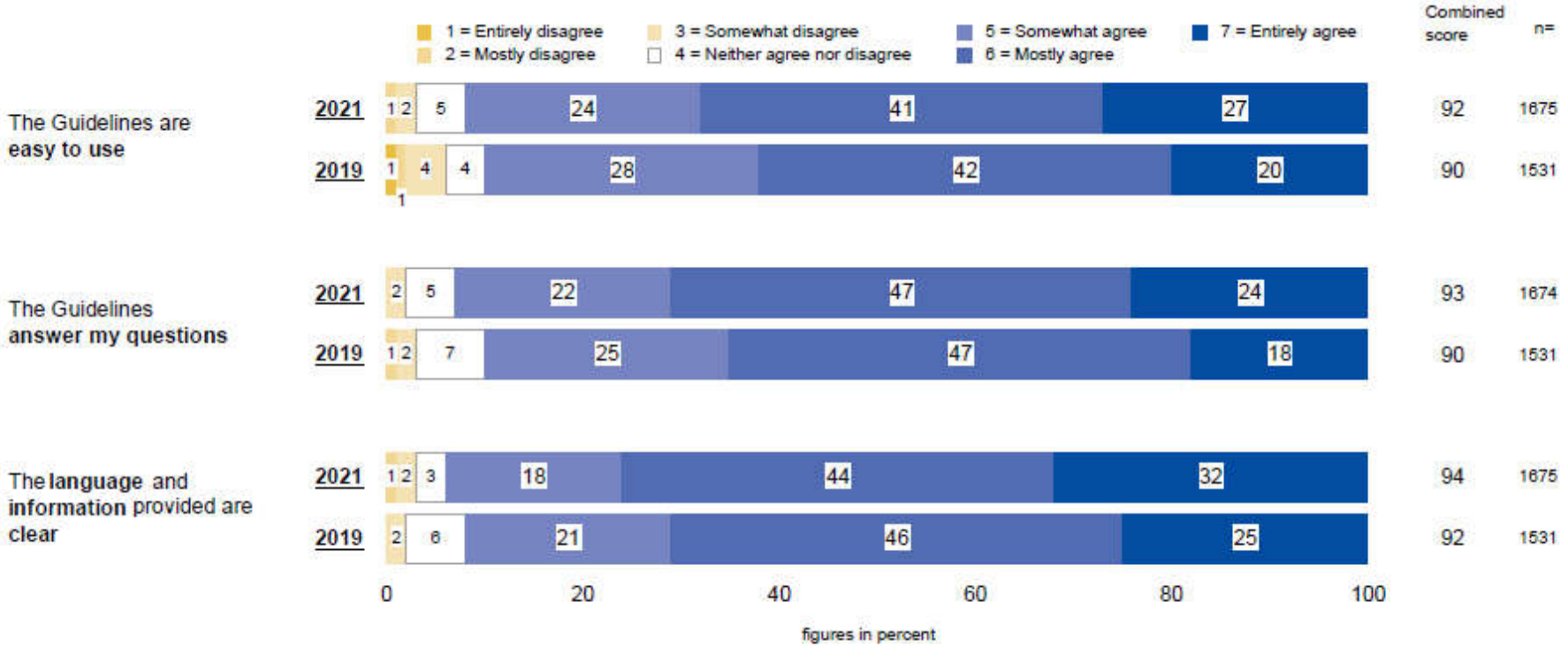
Benefits of EUIPO guidelines

Percepetion Guidelines

... *if aware of Guidelines:* To what extent do you agree with the following statements about the Office's Guidelines?



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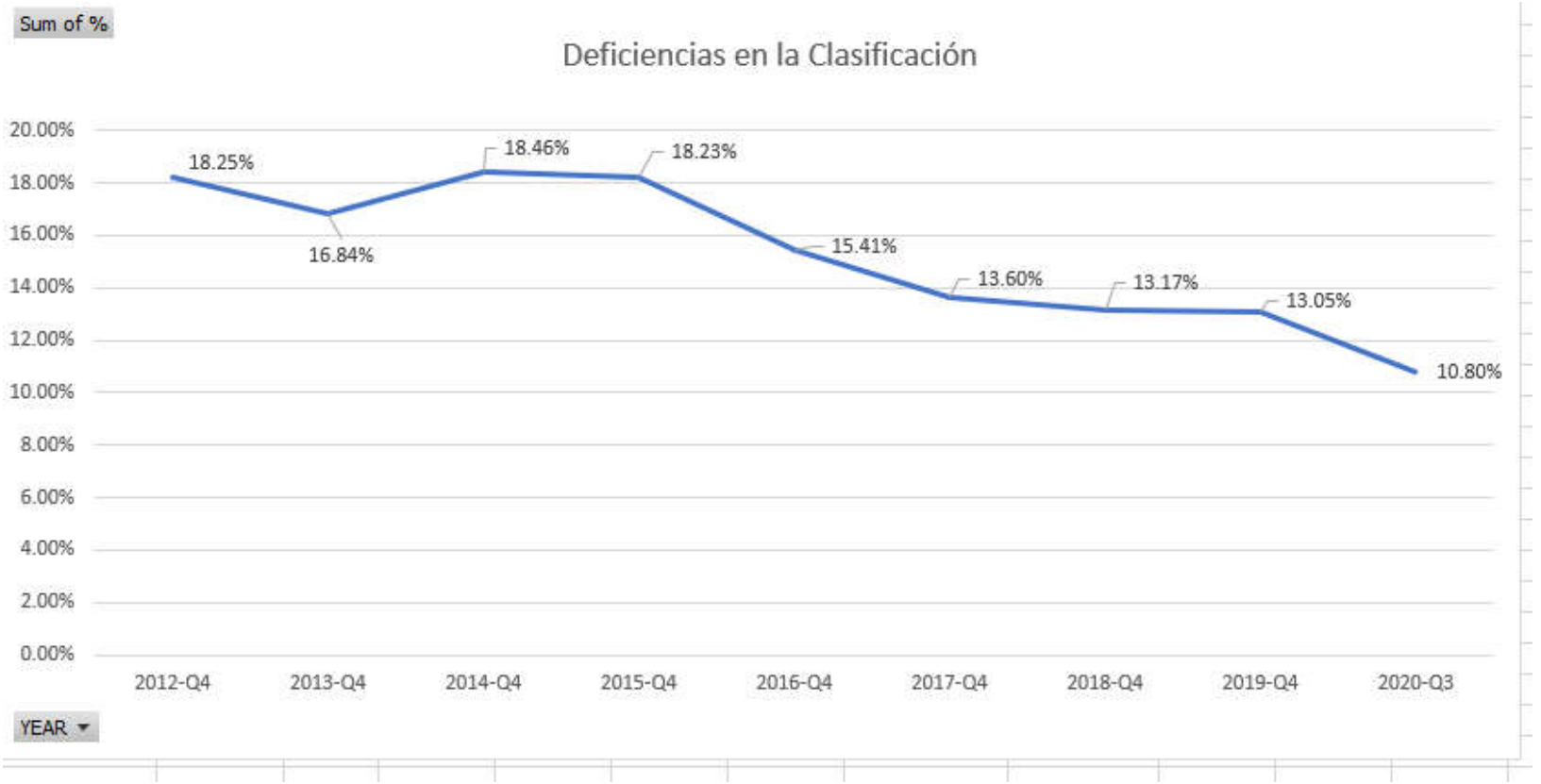
Benefits of EUIPO guidelines



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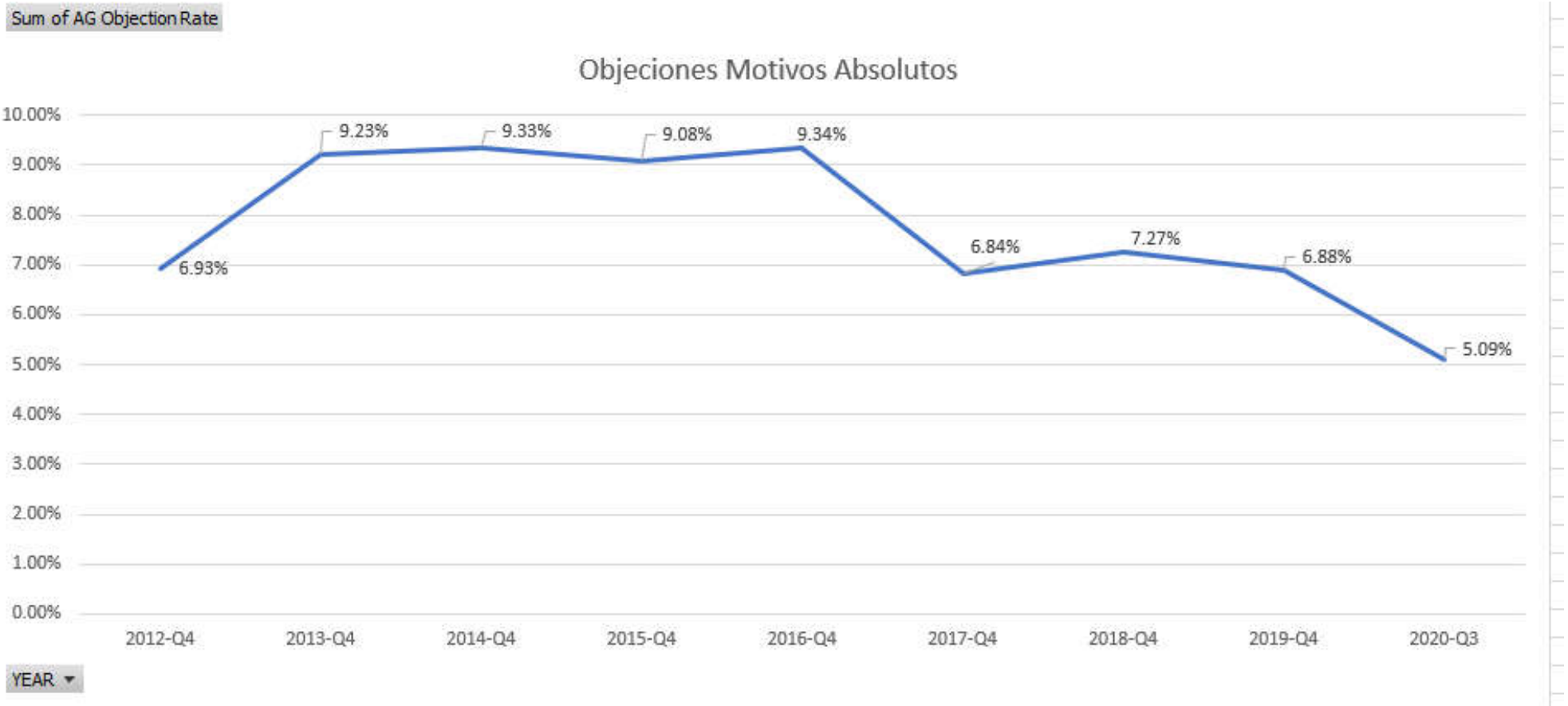
Benefits of EUIPO guidelines



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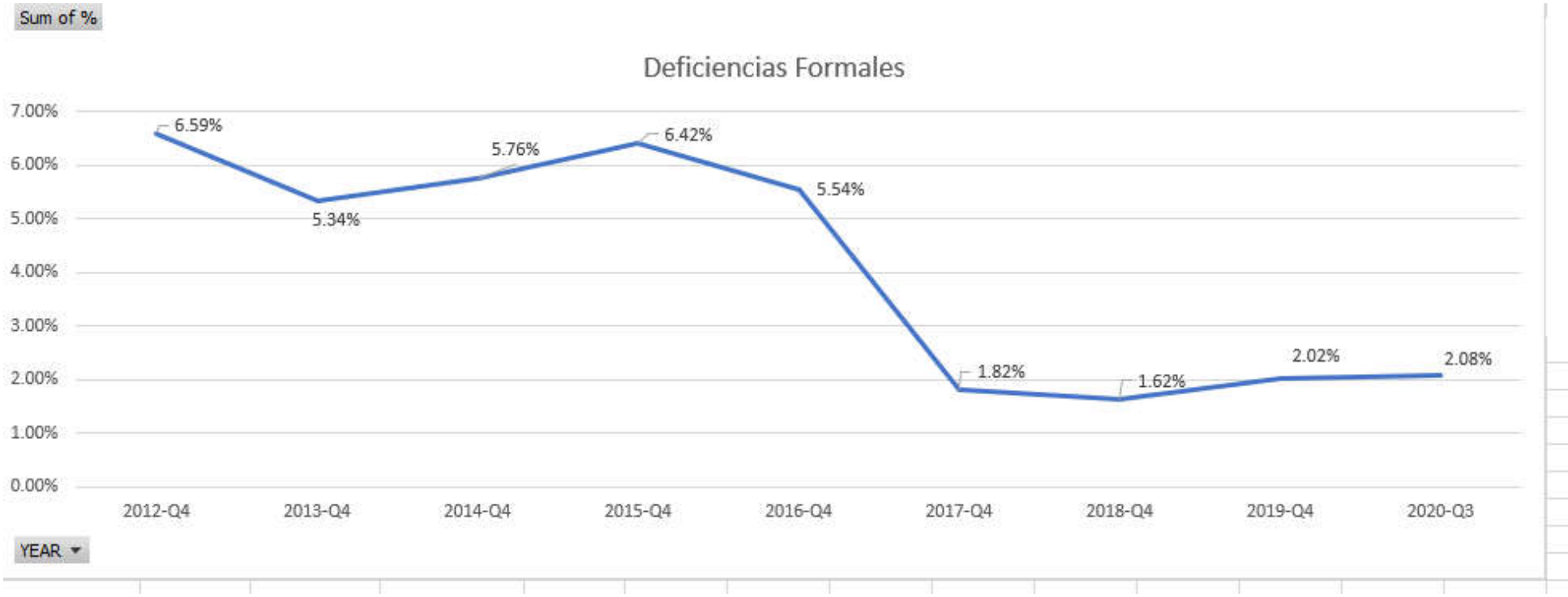
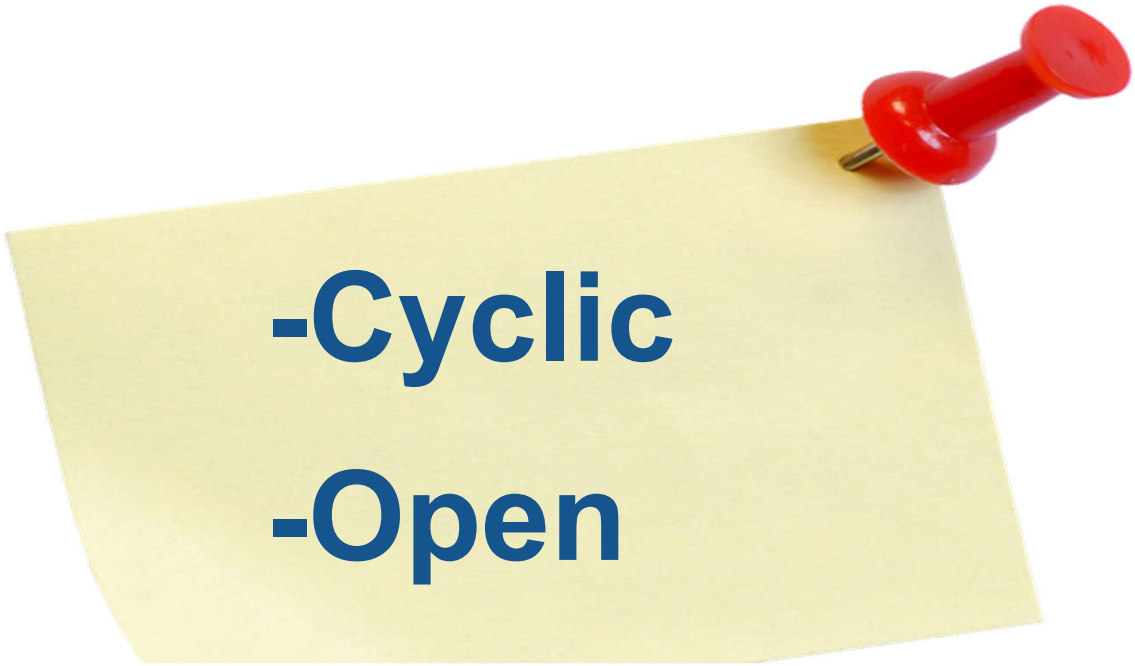
Benefits of EUIPO guidelines



3. Revision of EUIPO guidelines


-Cyclic
-Open

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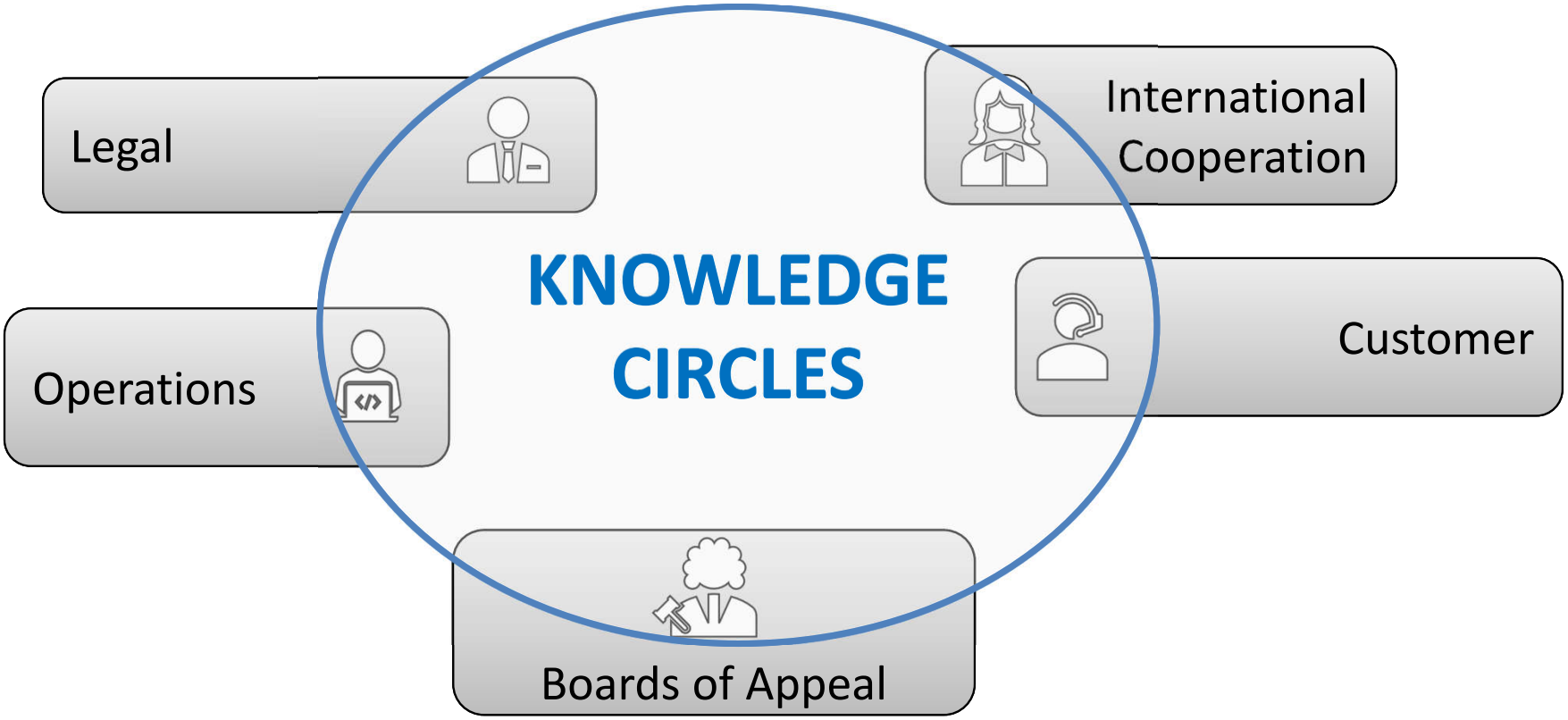
KNOWLEDGE CIRCLES



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KNOWLEDGE CIRCLES

1. Register and General Issues
2. Absolute Grounds for Refusal and Ex-parte Proceedings
3. Relative Grounds for Refusal and Inter Partes Proceedings
4. Geographical indications and Collective Rights
5. Classification and G&S Issues
6. Designs

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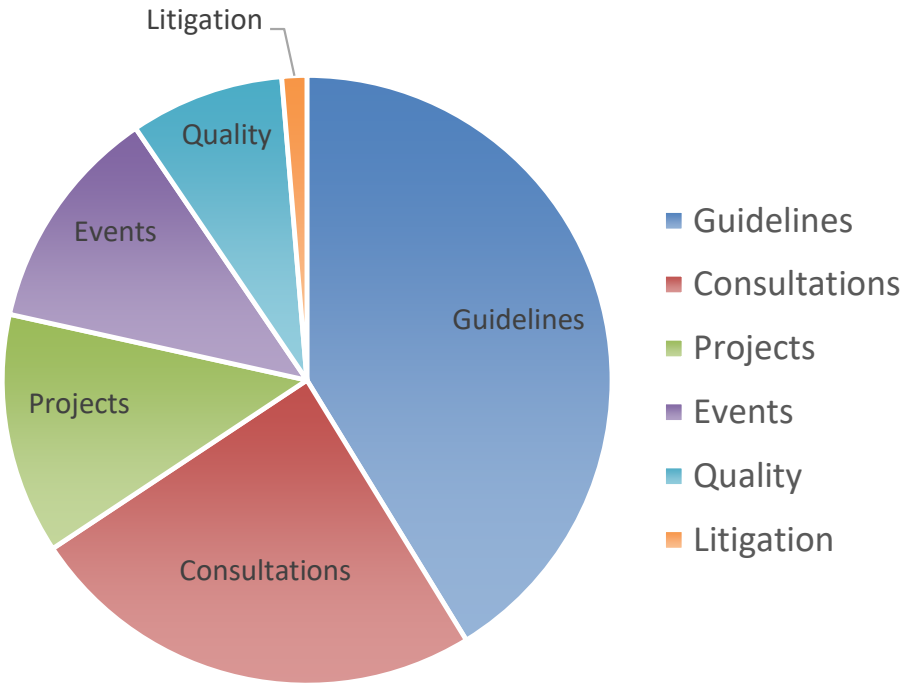
KNOWLEDGE CIRCLES



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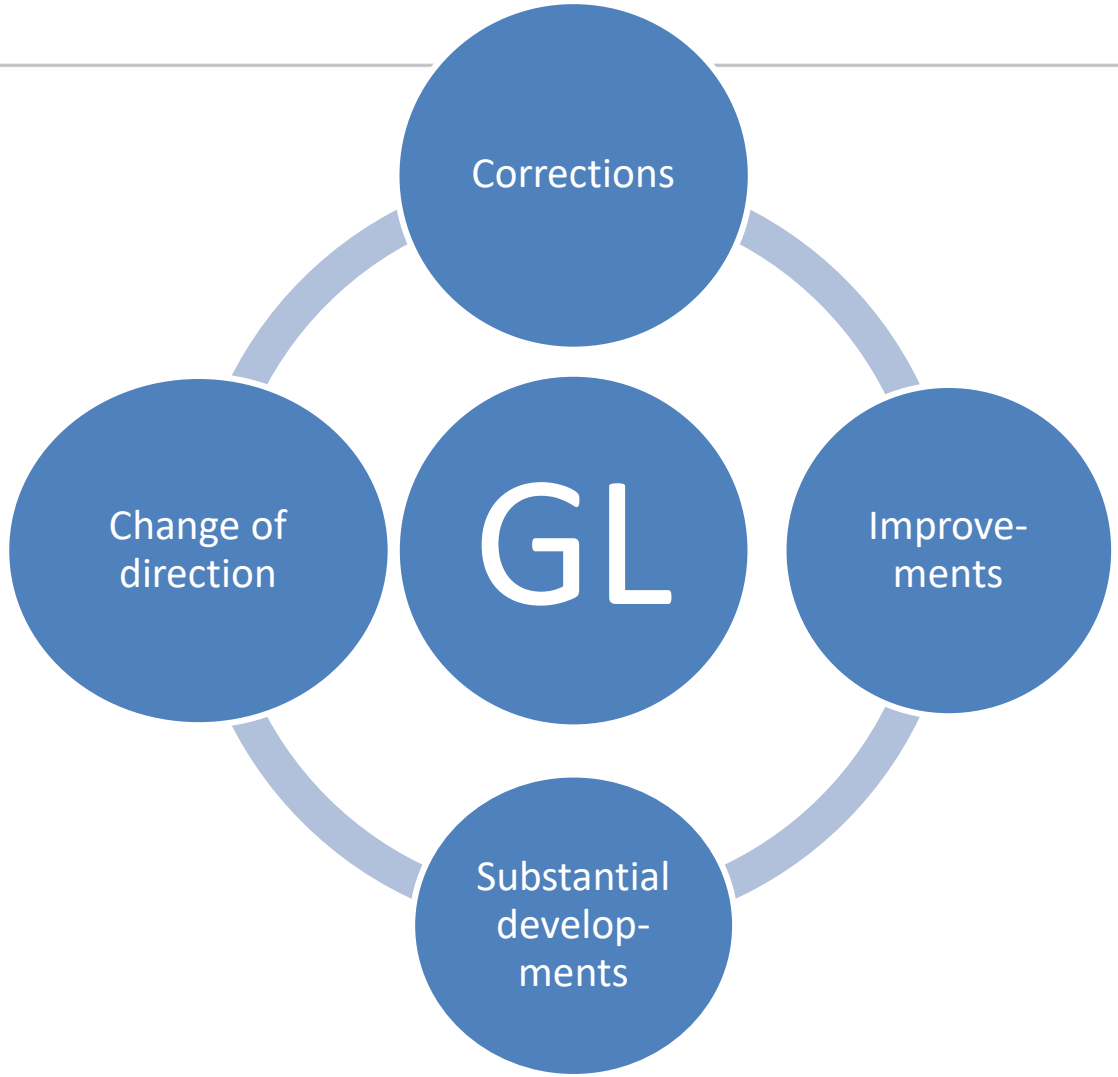
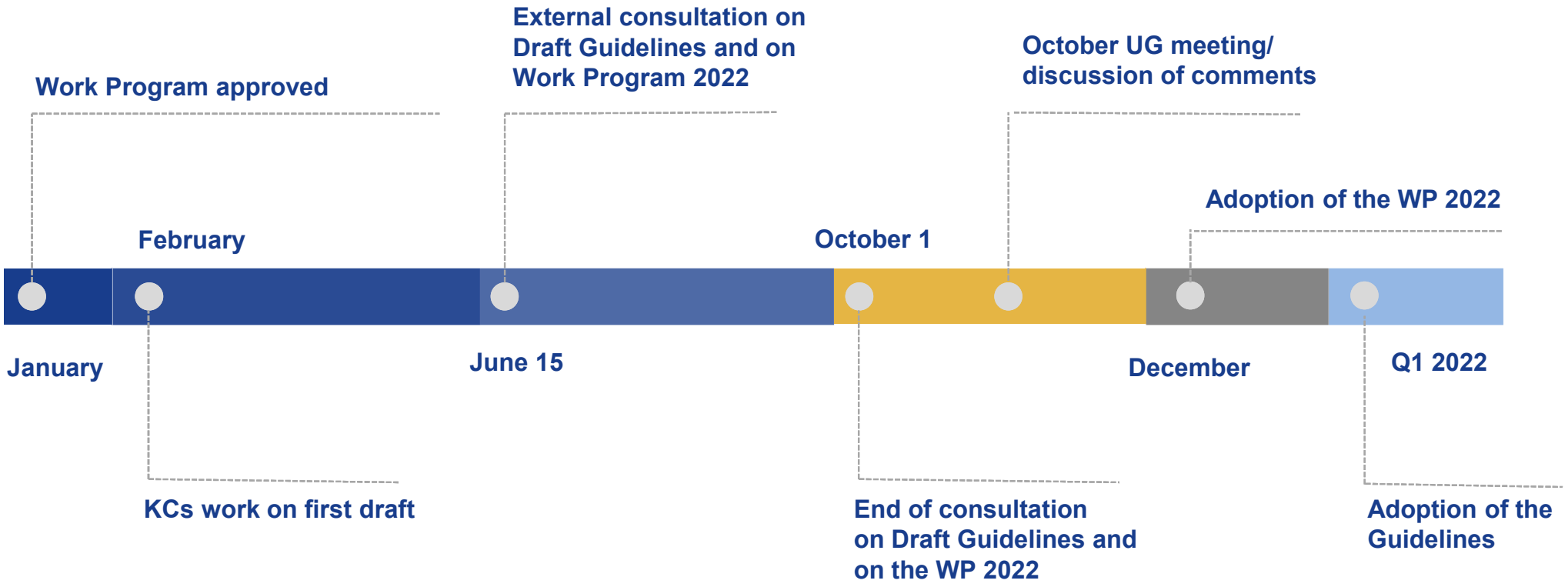
COMMON COMMUNICATIONS

- CP11: New types of marks: examination of formal requirements and grounds for refusal
- CP11 - FAQs
- CP12 - Evidence in Trade Mark Appeal Proceedings
- CP12 - FAQs
- Common Communication: use of a trade mark in a form differing from the one registered
- Common Communication on Distinctiveness of three-dimensional marks (shape marks) containing verbal and/or figurative elements when the shape is not distinctive in itself
- Common Communication on Criteria for assessing disclosure of designs on the internet
- Common Communication on the representation of new types of trade marks
- Common Communication on graphic representation of designs
- Common Communication on the Common Practice of Distinctiveness – Figurative Marks containing descriptive/non-distinctive words
- • Common Communication on the implementation of IP Translator.
- • Common Communication on the Common Practice on the General Indications of the Nice Class Headings.
- • Common Communication on the Common Practice on the Acceptability of Classification Terms.
- • Common Communication on the Common Practice of the Scope of Protection of Black and White ("B&W") Marks.
- Common Communication on the Common Practice of Relative Grounds of Refusal – Likelihood of Confusion (Impact of non-distinctive/weak components)

https://www.tmdn.org/

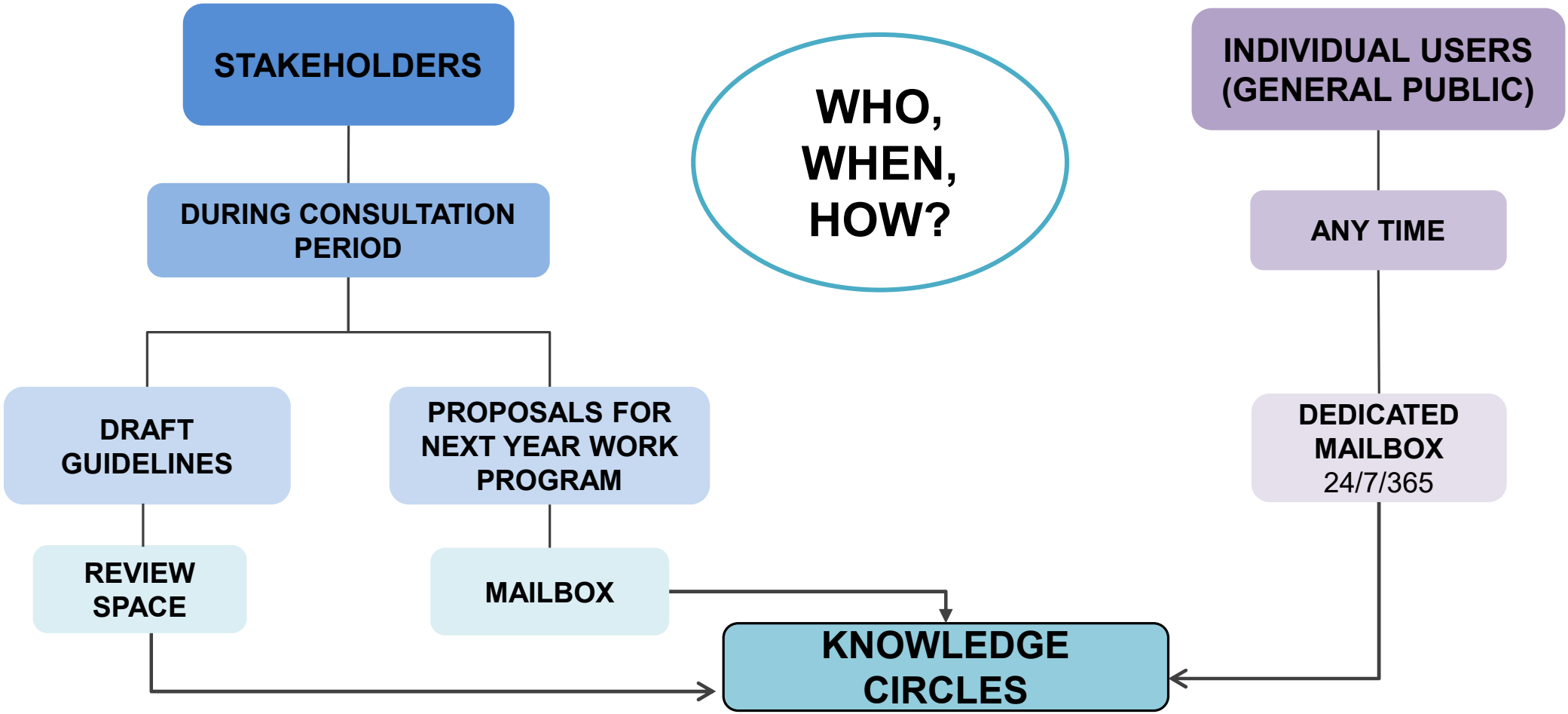

Corrections
Change of direction
GL
Improve-ments
Substantial develop-ments

GUIDELINES REVISION CALENDAR



FAST TRACK

COMMENTING ON THE GUIDELINES



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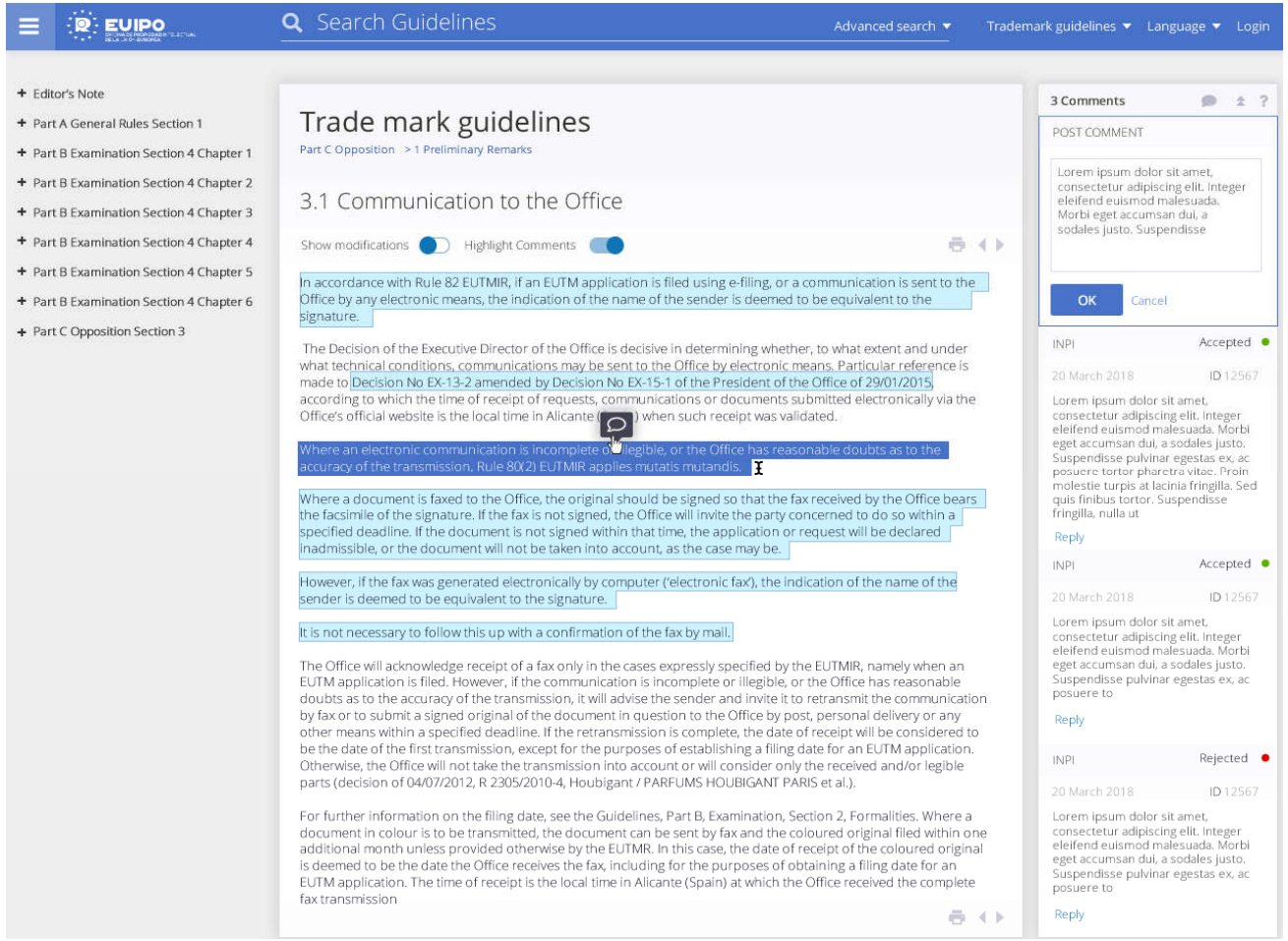
CONSULTATION PROCESS – ONLINE TOOL



NEW FEATURES:

- Feedback directly on the text
- Comments visible to all stakeholders
- Possibility of making comments on comments
- KCs will answer directly on-line
- Real-time statistics on feedback, acceptance rates etc.

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THANK YOU

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Presentation			
Status	DRAFT / APPROVED		
Approved by owner	-		
Authors	-		
	-		
Contributors	-		
	-		

Revision history			
Version	**Date**	**Author**	**Description**
0.1	DD/MM/YYYY		
0.1	DD/MM/YYYY		
0.1	DD/MM/YYYY		