

# Fact Sheet

April 2012

# How to search for trademarks

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## Introduction

The objective of this fact sheet is to introduce you to trademark searching using the most relevant databases at the European and International level.

Before entering into the process of applying for a trademark, you should ensure that it is free to use, meaning that it should not be similar or identical to any trademark already existing (registered or undergoing the filing process) for the classes of products or services it applies to. Once you have registered your trademark, it is also important to regularly consult trademark databases in order to check if similar or identical trademarks to yours are being registered. As this would affect your earlier rights and lead to infringement, consulting the databases allow you to prevent unlawful registrations by engaging in opposition procedures. These databases are also an excellent source of business information. In fact, knowing the trademarks filed by a competitor can give you some insight into its commercial strategy, i.e. what kind of product or service is or will arrive on the market and in which territories it is intended to be marketed.

Trademarks are of a great importance also in EU funded projects, such as the ones in the framework of FP7 or CIP. Indeed, in case of future commercialisation of related products or services, if the name of the project is to be used, it needs to be available for the class of product or services for which it is intended to be used.

As you can see, there are many good reasons to perform trademarks searches.

The European IPR Helpdesk is managed by the European Commission's Executive Agency for Competitiveness and Innovation (EACI), with policy guidance provided by the European Commission's Enterprise & Industry Directorate-General.





#### **Trademarks and classifications** 1.

As the aim of trademark is to differentiate products and services from others on the market, when filing an application it is essential to indicate the products and services for which the trademark will be used. This is why it is always necessary to link a trademark with classes of products and/or services.

Which are the classification systems you should know?

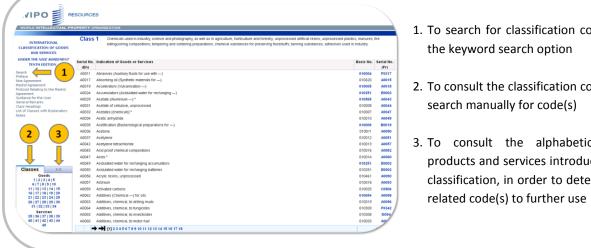
Most countries rely on international classification systems to classify products Vienna Classification is used for the figurative elements of trademarks.

In order to perform efficient trademark searches, it is recommended to use classification codes. This means that you firstly need to identify the classification code related to the trademark you are searching for, and then to possibly combine this code with another element (trademark name, holder name, representative...).

#### 2. Searching for trademark classification codes

In order to search for a classification code of goods and/or services, you can use the database the World Intellectual Property Organization (WIPO) has developed under the Nice classification.

You have three main ways to find a classification when using this tool:



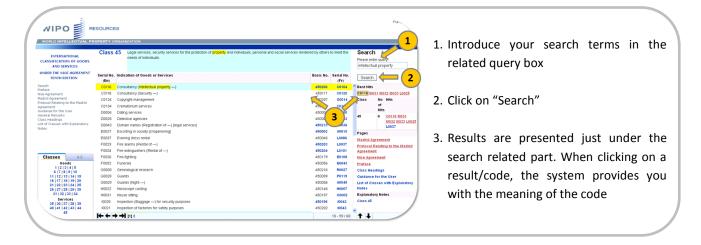
- 1. To search for classification codes using
- 2. To consult the classification code and to
- 3. To consult the alphabetic list of products and services introduced in the classification, in order to determine the

2



# 2.1. How to use the search function?

Click on search (in the left menu) to open the search interface



## 2.2. How to use the search function under the Vienna classification?

A similar search tool exists for classification of figurative elements of marks, also known as the Vienna classification. However, the figurative elements are classified by the selected office when submitting an application. This means that the search under Vienna classification is carried out principally within offices and mainly intended for internal purposes.

Under this classification, two search possibilities are offered:

INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS	Category 1	CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS	1. Search term query
under the Vienna Agreentext Sich Edition are the ienna more ment ienna more ment usakans for the Usar able of Categories and Divisions, ith Explanatory Notes	1.1 1.3 1.5 1.7 1.11 1.13 1.15 1.17	STMR, CORETE SIX EVENT, TERRESTRAL, CORES, PLANETS MODIL CORLINA, CORES, GROUPS OF SINGE, START SIX, COLESTIN, MORE CORLINA, CORRECT, PLANETRO, AUTOCIDAE: CRESTS, ACONC MODELS, MILECULAR MODELS MICRAL, PROMOREN, PLANETRO, AUTOCIDAE: CRESTS, ACONC MODELS, MILECULAR MODELS MICRAL, PROMORENA OEDORAFIOL, MARS, PLANETRORENA	2. Manual search in the categories
	1.1 1.1,1 1.1,1 1.1,1 1.1,17	STAPS, COMETS NOTE: (a) Producing spanse (1.85.7), the Star of David (34.11.8) and attentisk (34.17.5). (b) Relational spanse (1.85.7), the Star of David (34.11.9) and attentisk (34.17.5). Stars Content, spanse that Content, spanse that Con	
Categories 1 2 3 4 5 6 7 4 514 15 11 12 12 14 15 2 122 12 14 15 2 122 12 12 25 2 122 12 25	Audiary Sectors (associated with P A A 1.1.2 A 1.1.3 A 1.1.4 A 1.1.5 A 1.1.5 A 1.1.9 A	of Danses L1 weight Retron L1,	



#### 3. Searching community trademarks

Community trademark applications as well as granted community trademarks can be searched on the website of the Office for Harmonization in the Internal Market (OHIM), the organism in charge of the community trademark, by using the CTM-ONLINE tool<sup>1</sup>.

#### 3.1. How to use the search function in CTM-ONLINE?

Two search interfaces are proposed in CTM-ONLINE: a basic search and an advanced search.

To conduct a basic search, you just need to enter a trademark number, a trademark name or a classification code. You can also specify elements such the type of database to be consulted, the type of trademark searched for and also the kind of results desired (e.g. simple or detailed view).

When entering a term under "Trade mark name", if you specify "contains" or "begins with", similar trademarks will also be searched in the selected database.

-1(en) ×	asic search interface <sup>2</sup>	Advanced search interface <sup>3</sup>
	IRGI AND DESIGNS REGISTIVATION CIFFICE	THE THREE MARK AND DEGRAGE REGISTRATION DIFFICE DFINM You are hant: Ethnol > Quilty bit > Databases
u are here: <u>Home</u> > <u>Quality plus</u> > Da Quality plus • Quality management system • Service charter • User satisfaction survey	Cthrone.INE - Trade mark consultation service - Basic	Chally plane Chally management system > Gouding management system > Greated that > Uner addrefation purey > Chally management system > Greated mark by The State of the
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Search a Community trade mark Search alonimunity design Search classification for trade marks - EURONICOEUROACE Search classification for designs - EUROCOERNO Search for representatives - PindRep	List of results:      Lot of results:      Lot of     Court	Search - Commonthy Serijen Search 2 and Totol Series Search 2 and Totol Series Search 2 and Totol Series Search 2 and Totol 2
EuroDass coms/Piling	Les gased on 27092012	
		©tist of results: Detailed ★ source: Commentation

In the advanced interface, you can specify more criteria in your search, such as:

- Trade mark type,
- Owner name,
- Nice class number,
- Status,
- Filing Date,
- Registration Date...

.

<sup>&</sup>lt;sup>1</sup> This search tool is available in OHIM's website at: <u>http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do</u>.

<sup>&</sup>lt;sup>2</sup> You can use the basic search in the following URL: <u>http://oami.europa.eu/CTMOnline/RequestManager/en\_SearchBasic\_NoReg.</u>

<sup>&</sup>lt;sup>3</sup> The advance search can be found at the following URL: <u>http://oami.europa.eu/CTMOnline/RequestManager/en\_SearchAdvanced\_NoReg.</u>



Thus, the advanced search provides you with a more precise search and consequently you receive less, but more relevant, results.

For example, if you search for trademarks including the term "intellectual property" you will get the following results:

A listing of the relevant trademarks	The details of a particular trademark when cl its title
-JNLINE - Detailed results	rtLINE - Detailed trade mark information
	<u> / / / / </u>
Search results: Found 23	Trade mark name : Intelectual Property Magazine Trade mark No : 009948076 Trade mark basis: CTM
Ust of results:  O Detailed Simple	Date of receipt: 05/05/2011 Number of resulta: 3 of 23 Request an inspection
Order by ID No 💙 Descending 🏹 🖉	🖁 Certified copy of the Application form
1. BEINFORMA INTELLECTUAL PROPERTY HACAZINE Trade mark No: 01020153 Filing data: 22/12/2011 Nice 22/12/2011 Nice 22/12/2011 Nice 22/12/2011 Status: Application published Status:	Filing date:     0.6(05/2011       Nice Classification:     9, 16, 41, 45       Type of mult:     1.6(0/2011)       Viena Classification:     9, 16, 41, 45       Type of mult:     Filing variable       Arguind distant/organic     6(0/2011)       Status of brade mark:     Filing variable       Arguind distant/organic     (* Oloczany)       Filing language:     English       Scool anguage:     English       Tate mark:     English       Application Al or Publication Al or Publication     (* Oloczany)       (* Distance:     France       National search requested:     France       Maging:     English       Maging:     English       Maging:     France       National search requested:     No
Tode mark basis         CTM           3               Intellectual Property Magazine	Nice Classification List of goeds and services Generation List of goeds and services Generation Generation Control Con

## 4. Searching a trademark in Europe

#### 4.1. Using TMview

The OHIM also provides on its website the TMview<sup>4</sup> database, which allows trademarks searches:

- At national level, for 17 trademark offices (Bulgaria, Benelux, Czech Republic, Denmark, Estonia, Spain, France, the UK, Italy, Lithuania, Portugal, Romania, Slovakia, Slovenia, Sweden, Finland and Latvia);
- At community level (OHIM); and
- At international level (WIPO).

The main objective of TMview is to integrate all data from the 27 European Union member states (in addition to those from OHIM and WIPO).

As in other search tools, basic and advanced searches are also possible in TMview.

<sup>&</sup>lt;sup>4</sup> TMview is available at <u>http://www.tmview.europa.eu/tmview/welcome.html</u>.



Share with a friend	Find term		
Add TMview to my favourites			Search
			Close advanced search 🖉
	• Trade mark offices	- All -	•
Mare links	🛛 Trade mark name	Benelux Office for Intellectual Property     Bulgaria - BPO     Czech Republic - IPOCZ     Denmark - OKPTO     Estonia - EPA	** COLA* Select the
euroclass	Trade mark reference number	Europe - OHIM Prance - INPI Italy - UIBM Uthuania - VP8 Portugal - INPIPT	appropriate offices to cons
	Trade mark type	Romania - OSIM Slovakia - SKIPO	
	• Trade mark status	Slovenia - SIPO Spain - OEPM Sweden - PRV	
	Applicant name	United Kingdom - UKIPO World - WIPO	
		Fuzzy search	4.9. JOHN*, *JOHN*, *JOHN 446.
	Nice class		4.0.12,13: 12.15: 1,14,20 etc.
	Vienna code		19
			s.g. 01.03.06. 01.03.*
	Opposition	Show only trade marks currently opposable	
	Application date	From: 00-MM-1111 To: 00-MM-1111 3	
	Sort results by	Trade mark name	
	Order results	Ascending 💌	

The basic search allows you to perform rapid queries. The system searches for the search string introduced, but it is possible to Ointroduce at the same time several search criteria. In such a case, the code related to each search criteria has to be introduced.<sup>5</sup> On the other hand, the advanced search interface allows more accurate searches and, particularly, the possibility to specify more criteria.

An alternative way to search rapidly for a trademark in a selection of countries is to select the offices whose databases you wish to consult.

#### 4.2. Using national databases

The other option when searching for a trademark at national level is to consult the national trademark databases accessible on the related office's website (if it exists).

#### 5. Searching international trademarks

International trademarks can be searched in TMview, when selecting the "World – WIPO" office in the advanced search interface.

They can also be searched in the two following databases: ROMARIN and Global Brand Database, available at the WIPO's website.

#### 5.1. ROMARIN database

The ROMARIN<sup>6</sup> database offers different options to find trademarks, providing the opportunity to mix search criteria as well as to define what kind of trademark is searched (in force, no longer in force or applications being processed).

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	AND	-	Office of Origin		soreane		
	AND		Sasic Application Number	- M	contains		
	AND	~	Basic Registration Number	- M	ECONTRACTOR .		
	AND	- 0	Designated Contracting Parties		containe		
	AND	10	Registration date	10	parterna		

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<sup>&</sup>lt;sup>5</sup> For further information, we suggest that you consult the "help" available at TMview.

<sup>&</sup>lt;sup>6</sup> ROMARIN is available at <u>http://www.wipo.int/romarin</u>.



#### 5.2. Global Brand database

The Global Brand<sup>7</sup> database goes far beyond in term of search options, as well as daily updates of international trademarks.

Herre > WTX COLD > Gades Brend detabase Global Brand Database	Search By Filter By
Brand Names Numbers Dates Class Country Text = +Stemming	Source Status Origin Designation Expiration International Trademaks (Madrid) 670019 Emblems (Oter) 2919
Cogo =	Appellations of Origin (Lisbon) 903
	search A

Indeed, its interface offers five search possibilities:

- Brand (text, logo or goods),
- Names (holder or representative),
- Numbers (publication or application number),
- Dates (registration, application, expiration),
- Class (Vienna or Nice),
- Country (origin or designation).

Results can be filtered to narrow the search, using five filter options:

- Source (international trademarks, emblems or appellations of origin),
- Status (active, pending or deleted),
- Origin (geographical area of origin),
- Designation (countries designated),
- Expiration (date of expiration).

Boolean operators<sup>8</sup> and wildcards can be used in the search area. Moreover, interesting features have been included allowing textual searches to be done more easily:

- The "Normal" option allows searching exact matches to the search term(s) entered;
- The "Phonetic" function permit searches for terms that sound like the search term(s) entered;
- The "Fuzzy" allowing searches for terms that are spelled similarly to the search term(s) entered.

A "Stemming" option can be selected in order to enable the matching of other forms of the search term(s) entered.

For example, a search of the term "intellectual property", filtered by international trademark would provide you with two results presented just under the search and filter boxes. You may see the results below.

<sup>&</sup>lt;sup>7</sup> Accessible on: <u>http://www.wipo.int/branddb/en/index.jsp#</u>.

<sup>&</sup>lt;sup>8</sup> See textbox at the end of this document.



_						Search By	Filter By				
E	Brand Names Numbers	Dates C	Class Cour	ntry			Source Status	Origin Designa	ation Expiration	1	
Text =  intellectual AND property  Stemming Logo =							International Tra Emblems (6ter)	demarks (Madrid)	<b>2</b> 0		
							Appellations of 0	Origin (Lisbon)	0		
	Goods =										
?						search 🔎	?				filter -
?	urrent Search BRAND_EN_S:(Intellectual AND pro					clear 🝵	Current Filter				
8	1 to 2 / 2	edit colum	ns 🔷						10 🚩 [	Details 🔽 per	page 🖪 📢 1 🛛 / 1 🕞 🖸
?	Brand	Source	🗢 Status	Score	🗢 Origin	Holder	Number	🗢 Reg. Date	Vienna Cl.	Nice CI.	Image
	IP FOR IP INTELLECTUAL PROPERTY FOR INTELLECTUAL PEOPLE	Int. TM	Active	7	DE	IP for IP-Intellectual Property	1080997	2011-03-22	26.04, 26.11, 27.05	9, 16, 41	IP FOR IP
	INTELLECTUAL PROPERTY GOLD IP GOLD	Int. TM	Deleted	7	FR	QUESTEL	703151	1998-11-17	27.05	9, 16, 35, 38, 41, 42	INTELLECTUAL PROPERT
	1 to 2/2	edit colum	ns 📣						10 🖌 [	Details 🔽 per	page 💽 🕄 1 /1 🖸 🖸

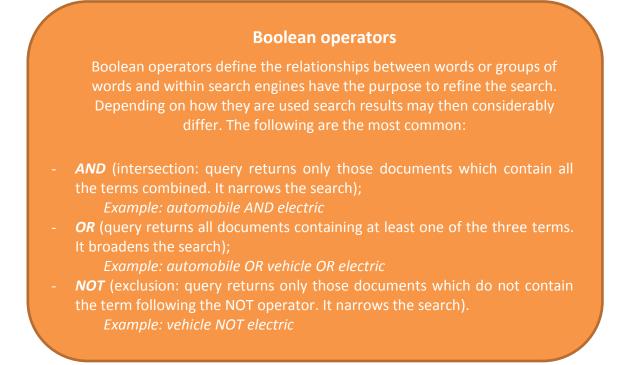
When clicking on the result, further details are provided, as seen below:

_	
	97 - IP FOR IP INTELLECTUAL PROPERTY FOR INTELLECTUAL PEOPLE
. (51)	Date of the registration
	22.03.2011
(180)	Expected expiration date of the registration/renewal
	22.03.2021
(270)	Language(s) of the application
	English
(732)	Name and address of the holder of the registration
	IP for IP-Intellectual Property
	for Intellectual People GmbH
	Pommernstraße 4 69469 Weinheim (DE)
(040)	
(812)	Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment DE
(842)	Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized
()	GmbH, Germany
(750)	Address for correspondence
	Monika Huppertz
	Einem 113 a
	42279 Wuppertal (DE)
(540)	Mark
	IP FOR IP
	FOR
	INTELLECTUAL PEOPLE
1)	International Classification of the Figurative Elements of Marks (Vienna Classification)- VCL (6)
	<sup>a6</sup> 04.02; 26.04.09; 26.11.08; 27.05.10.

Note that results can be saved for further use:

lobal Bra		atababe		Search By	Filter By	view saved searches		
Brand Names	Num	bers Dates	Class Country		Source Status Origin	Designation Expiration	n help	
Text	= 🗸		Stemming		International Trademarks (Ma Emblems (6ter)	2919		
Logo	-				Appellations of Origin (Lisbo	n) 903		
Goods	=							
				search 🔎	?			





## **Useful Resources**

For further information on the topic please also see:

- "OHIM Databases": <u>http://oami.europa.eu/ows/rw/pages/QPLUS/databases/databases.en.do</u>
- WIPO's "Trademark gateway": <u>http://www.wipo.int/trademarks/en/</u>





#### **GET IN TOUCH**



# For comments, suggestions or further information, please contact

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#### ABOUT THE EUROPEAN IPR HELPDESK

The European IPR Helpdesk aims at raising awareness of Intellectual Property (IP) and Intellectual Property Rights (IPR) by providing information, direct advice and training on IP and IPR matters to current and potential participants of EU funded projects focusing on RTD and CIP. In addition, the European IPR Helpdesk provides IP support to EU SMEs negotiating or concluding transnational partnership agreements, especially through the Enterprise Europe Network. All services provided are free of charge.

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**Newsletter & Bulletin:** Keep track of the latest news on IP and read expert articles and case studies by subscribing to our email newsletter and Bulletin.

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