

COUNTRY	TRADE DRESS	SOUND	SHAPE (3-D)	SINGLE COLOUR	COMBINATION COLOUR	SMELL	TASTE	TOUCH	MOTION	POSITION (PLACEMENT OF MARKS ON GOODS)	HOLOGRAM	LIGHT MARKS	PUBLISHED EXAM. GUIDELINES?	PROVIDED BY:
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**ID = inherently distinctive**  
**AD = acquired distinctiveness required**  
**CL = supporting case law available**  
**TM = trademarks**  
**NTMs = non-traditional marks**

<b>ANDORRA</b>	No protection	No protection	ID/CL (see appendix)	ID	ID	No protection	No protection	No protection	No protection	No protection	No protection		No published examination guidelines	Carlos Pires
<b>AUSTRIA</b>	ID/CL (see appendix)	ID	ID/CL (see appendix)	AD (in most cases) (ECJ Libertel decision will have to be applied; OGH 6.7.2004, 4 Ob 136/04k – Swiss Post – ÖBI 2004, 275: Austrian Post invoked its registered (based on acquired distinctiveness) abstract colour mark for yellow against use of the colour yellow in an advertisement in Austria by the Swiss Post – no infringement found: while yellow held to have been used in a trademark sense, it is commonly known that colour yellow is used by “The Post” in nearly all over Europe.)	AD (see single color)	---	---	---	---	ID	ID		There are no published guidelines of the Austrian PTO.	Christian Schumacher

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BELARUS	AD	Not protected	AD	Not protected	Combination of two and more colours	Not protected	Not protected	Not protected	Not protected	Arbitrary				Dolly Alevizatos, with thanks to Nina Vasilieva (Elena Beliaeva, Nina Vasilieva & Partners)
BENELUX	No general rationale for protecting TD; will depend on specific legal basis for protecting a TD. If no specific protection is available (tm, design, work of art), protection may be claimed based on decisions of Belgian and Dutch national courts against slavish imitation. According to these, an imitator must do everything reasonably possible and necessary to prevent risk of confusion. Basis for these decisions is the Belgian Trade Practices Act and Dutch Civil Code, which protect against unfair competition and source confusion by consumers.	AD/CL (ECJ, 27.11.2003, C-283/01 (Shield Mark).)	AD/CL (ECJ, 12.02.2004, C-218/01 (Henkel).)	AD/CL (ECJ, 06.05.2003, C-104/01 (Libertel). The Court of Appeal in Brussels ruled that it is possible to add a color code to existing color registrations without such code (see Court of Appeal in Brussels, I.R.D.I. 2004, 424.).)	AD/CL (ECJ, 24.06.2004, C-49/02 (Heidelberger Bauchemie)	CL (Not possible to register (i.a. due to requirement of graphical representation); confirmed in ECJ, 12.12.2002, C-273/00 (Sieckmann).)	- (Not possible to register (i.a. due to requirement of graphical representation); no recent case-law.)	- (Not possible to register (i.a. due to requirement of graphical representation); no recent case-law.)	- (Not possible to register, see ECJ, 25.1.2007, C-321/03 (Dyson).)	- (Not possible to register (i.a. due to requirement of graphical representation); no recent case-law.)	- (Not possible to register (i.a. due to requirement of graphical representation); no recent case-law.)		From January 2009; in French and Dutch; relates to the examination on absolute grounds and indicates ways to show acquired distinctiveness; mentions single colour, colour combination, sound, scent (not possible), moving image (not possible) and three-dimensional marks. Flavour and touch marks are not mentioned specifically but would fall under the general rules relating to the requirement of distinctiveness and graphic representation.  <a href="http://www.boip.int/pdf/DG/20081105_richtlijnenweigerings.pdf">http://www.boip.int/pdf/DG/20081105_richtlijnenweigerings.pdf</a>	Boudewijn van Vondelen

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BULGARIA	ID/AD	ID	ID	no	ID/AD	no	---	---	---	---	no	---	<p>BPO has published Methodological Guidelines on the Implementation of Art. 11 and Art. 12 of the Marks and Geographical Indications Act (those relate to absolute and relative grounds of refusal). They are also used by Patent Office officials when making examinations of marks filed for registration; do not specifically include traditional/non-traditional marks.</p> <p><a href="http://www1.bpo.bg/index.php?option=com_content&amp;task=view&amp;id=75&amp;Itemid=122">http://www1.bpo.bg/index.php?option=com_content&amp;task=view&amp;id=75&amp;Itemid=122</a></p>	Christian Schumacher, with thanks to Lyubomira Gramcheva (Sofia)
CROATIA	ID	AD. No registrations yet for sound marks in Croatia.	ID / AD. Depending on the shape. If the shape is simple there will be a need for proving AD. If the shape is elaborate and unusual it will be considered inherently distinctive.	AD. There is only 1 example of a single colour mark in Croatia: purple (lila) colour for Milka Chocolate.	ID (AD). Colour combinations are generally filed in a square frame showing the colors (left vs right). If colours are not usual (red for fire extinguishers would be refused) or not 'too simple' (black/white would also be refused) they will be registrable as inherently distinctive.	---	---	---	---	ID. Position mark will be registered mostly as a label or 3-d mark showing the product as well as the placement of the mark on it.	---	---	<p>General examination guidelines are available; non-traditional marks mentioned in the para. 4.2.2.2, Special categories of signs. Requirements for AD are included in the guidelines.</p> <p><a href="http://www.dziv.hr/prirodnici/hr_guidelines/hr/guidelines-mrk-en.pdf">http://www.dziv.hr/prirodnici/hr_guidelines/hr/guidelines-mrk-en.pdf</a></p>	Ellen Gevers, with thanks to Mr. Milan Milojevic of ZIVKO MIJATOVIC & PARTNERS

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<b>CTM</b> (decisions and analysis from July 1, 2007 to March 15, 2008)	ID/CL (see appendix)	ID/CL (The Board of Appeal, decision of September 27, 2007 in case R 708/2006-4, point 20 : the application was rejected because the spectrogram and the description filed did not fulfil the "self-contained" criterion since third parties, viewing the CTM Bulletin, could not easily and intelligibly understand the mark. However, the filing of the identical trademark with the addition of a sound file makes it registrable (CTMR n. 5090055).)	ID/CL (see appendix)	AD	ID/CL (see appendix)	---	---	ID	ID/CL (see appendix)	ID/CL (see appendix)	ID		OHIM has published trademark examination guidelines.  <a href="http://oami.europa.eu/ows/rw/resource/documents/CTM/guidelines/examination_en.pdf">http://oami.europa.eu/ows/rw/resource/documents/CTM/guidelines/examination_en.pdf</a>	Maria Cristina Baldini
<b>CYPRUS</b>	Only registrable as industrial design	No	ID/AD	No	AD	No	No	No	No	No			No published examination guidelines	Jeremy Dickerson

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CZECH REPUBLIC	ID/AD	Not registrable, a musical score would be considered as a device mark	ID/AD	ID/AD. As a general rule, colour marks are usually registrable only upon showing acquired distinctiveness in relation to the specific goods and services on the market.	ID/AD	Not registrable	Not registrable	Not registrable	Not registrable	No information available, likely not registrable	No information available, likely not registrable		<p>Guidelines (in CZ only) do not include AD requirements. Mention non-conventional marks on two points: 1) mark must be capable of graphic representation and therefore, sound and olfactory signs are excluded. 2) Guidelines accept that signs consisting exclusively of a color or color combination may generally constitute a trademark depending on the assessment of distinctiveness in each specific case. As for registration of one color per se, signs made up of a color taken from the basic color assessed more strictly since such colours should, given their limited number, be available for any trader. A colour mark must be precisely defined by specific tone of given colour.</p> <p><a href="http://www.upv.cz/cs/publikace/metodickepokyny-pro-rizeni-pred-upv/metodickepokyny.html">http://www.upv.cz/cs/publikace/metodickepokyny-pro-rizeni-pred-upv/metodickepokyny.html</a></p>	Carrollanne Lindley

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<b>DENMARK</b> *The problem in Denmark is that there is a great difference from what is in principle possible under Danish law and what is realistically possible – hence the number of combined ID/AD indications. As in most other countries, the major problem for most of these types of marks is graphic representation. The Danish PTO takes a rather strict view, often stricter than OHIM. There are very few Danish decisions on these issues.	ID/AD (see appendix) (U1996.848H – no trademark protection for the square form of a chocolate bar.)	ID (see appendix) Neither too long nor too short, individual assessment.	ID (see appendix)	ID/AD (see appendix) (Colour reproduction on paper is insufficient and must be supplemented with an international recognized colour identification code. Has been a requirement in Denmark since June 24, 2004....No trademark protection for the colour blue on scaffolding. Differentiation between goods/services, but must be distinctive for all goods/services, i.e. the colour green would be unacceptable for garden activities, but pink would probably be okay.)	ID/AD (Simple combination of yellow/black not considered distinctive.)	No. (see appendix) (Analogous to "Sieckmann" C-273/00, smell marks cannot be registered until a method has been developed which ensures an unequivocal graphic reproduction of such marks.) Two decisions illustrate this: VA 1977 05710 and VA 1997 05711.)	No.	ID	ID/AD (ID can normally be graphically reproduced by reproducing the individual elements in the mark in sequence.)	Marks which form part of or have been applied to/positioned on the goods themselves, e.g. shoe stripes or jeans pockets, are considered as device marks and may be inherently distinctive, e.g. Danish Registration No. VR 1987 03157 covering stripes on a sports shoe for goods in class 25, confer the copy of the registration within the footnotes.	ID (This can normally be graphically reproduced by reproducing the individual elements in the mark in sequence.)	AD	Published guidelines in Danish (English version to be launched soon) regarding graphical representation of motion, smell/scent, colour; hologram, sound marks, and shape marks including 3-D marks. The guidelines do not address flavour, touch, and gesture.  <a href="http://vmguidelines.dkpto.dk/">http://vmguidelines.dkpto.dk/</a>	Ellen Gevers, Michael Lasky (with thanks to the International Patent Bureau of Copenhagen for collecting and supplying this data.), Janne Glaesel
<b>ESTONIA</b> *By law all trademarks, in order to be registrable, must be capable of being graphically represented.	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	No published examination guidelines dealing with non-traditional trademarks.	Giulia Bramanti

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FINLAND	ID/AD	ID/CL. (A number of musical trademark registrations have been issued represented in musical notation e.g. Reg. No.s 136269, 214689 (Intel), 216030 (Nokia)).	ID/AD	AD/CL. (A number of single colour registrations have been issued after shown extensive use, e.g. the colour blue (Pantone 280C) for chocolate (Reg. No. 220696)).	AD/ID	No/CL (Smell marks are not possible to represent graphically according to Finnish practice.)	No	No	ID/CL. (Two moving marks have been registered in Finland i.e. Reg. No. 230885 and Reg. No. 229446).	NO	AD/ID		The Finnish Patent Office has prepared guidelines, though for internal office use (in Finnish) only. These guidelines deal with different kinds of trademarks including some non-traditional trademarks, such as sound marks and moving marks.	Hans-Anders Odh
FRANCE	ID	Yes. (The sound signs as sounds and musical phrases are included in the list of sings that are possible to register at article L711-1.)	ID	CL. (The French judges apply the Libertel CFI criteria and the Sieckmann therefore it is necessary to include an international identification code.)	CL. (In addition to the previous note la "Cour de cassation" has established that "the protection of a combination of colours is strictly referred to the registered combination that does not grant any right concerning the colours per se".)	No. (The "Cour de Paris" follows the criteria of the CFI (Sieckman case). One of the first applications in France for a smell mark is n° 97658685 that has not yet being definitively rejected (nor granted).)	No. The "Cour de Paris" adopted a similar criteria to the one regarding the smell marks [as per cif. above it follows the criteria of the CFI (Sieckman case)]. The taste mark applied for at the INPI with the description "taste mark consisting in the following taste: artificial aroma of strawberry "was rejected on the basis of the lack of graphic representation (CA Paris, 3 oct. 2003: PIBD 2004, 777, III, p.10)	There are no examples of registrations or applications for touch marks in France.	There are no examples of registrations or applications for motion marks in France.	-	-		No examination guidelines concerning non-traditional trademarks exist.	Carolina Montero

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GERMANY	ID/AD (No recent case law available.)	ID/AD (Registrable if a graphical representation in normal notation is presented. No recent case law available.)	ID/AD; CL (see appendix)	ID/AD; CL (see appendix)	ID or AD; CL (see appendix)	No recent case law available. Federal Patent Court, Reference for a preliminary ruling of April 14, 2000 – 33 W (pat) 193/99 (“Riechmarke”) smell marks can be registrable provided they can be graphically represented. Published in GRUR 2000, p. 1044. Following the corresponding ECJ case known as “Sieckmann”, this is considered as not being possible at the moment.	No information available	ID/AD; CL. (Fed. Patent Court, Decision of March 23, 2007–26 W (pat) 3/05: Does not seem impossible that haptic impressions can be graphically represented with a description, if clear, precise, self-contained, easily accessible, intelligible, durable and objective. Description “rough feeling of fine sandpaper” for a touch mark, applied for non-alcoholic and alcoholic beverages, is subjective; “fine sandpaper” is too vague, also lacks distinctive character as consumers of beverages are not used to perceive haptic impressions as an indication for the source of the origin of product. (www.bpatg.de)	ID/AD (No recent case law available.)	ID/AD (see appendix)	ID/AD; CL. (Fed Patent Court, March 3, 2005 – 24 W (pat) 102/03: difficulties to reproduce hologram to be entered into electronic TM register. Those revealing small number of different images independent from kind of light source are likely registrable - can be graphically represented by reproducing single images as such and by defining angle of vision by which for eau de toilette packaging of failed to meet req's. Appeal on a point of law to Fed. High Court of Justice admitted but not filed. Published in GRUR 2005, p. 594.		Yes - published in German. The guidelines specifically address 3D marks, soundmarks, single colors, holograms and positioning marks, and do include requirements for proof of acquired distinctiveness.  <a href="http://www.dpma.de/docs/service/formulare/marke/w7735.pdf">http://www.dpma.de/docs/service/formulare/marke/w7735.pdf</a>	Anja Franke



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<b>GREECE</b>	AD registrable if it is unique, unusual or distinctive due to an extensive use.	ID: The Trademark Office has not yet set out formal requirements however, so applications are currently not accepted.	ID/CL (see appendix) The Trademark Office has not yet set out formal requirements however, so they are filed as mere figurative trademarks.	AD registrable if it is unique, unusual or distinctive due to an extensive use.	AD/CL (see appendix): registrable if it is unique, unusual or distinctive due to an extensive use.	No protection	No protection	No protection	No protection	No protection	No protection		No published examination guidelines	Carlos Pires
<b>HUNGARY</b>	ID	ID	ID	AD	ID	AD	AD	AD	AD	ID	ID			Monika Wieczorkowska
<b>ICELAND</b>	AD/ID	NO EXAMPLE	AD/ID	AD/ID	AD/ID	NO EXAMPLE	NO EXAMPLE	NO EXAMPLE	NO EXAMPLE	AD/ID	AD/ID			Claire Hutchinson, with thanks to Valborg Kjartansdóttir (of Sigurjónsson & Thor ehf.)
<b>IRELAND</b>	ID	AD	ID	AD	ID	AD	AD	AD	AD	AD			The Irish Trademark Office does not publish any examination guidelines on non-traditional marks or any other matters.	Dolly Alevizatos, with thanks to Mary Bleahene, F.R. Kelly & Co.
<b>ITALY</b> *No recent case law available	ID/AD	ID/AD	ID/AD	ID/AD for tonalities (not primary colors)	ID/AD	No protection yet. (This is due to the fact that, under Italian TM law, marks must have a graphic representation, which has not yet been envisaged for this type of marks.)	No protection yet. (This is due to the fact that, under Italian TM law, marks must have a graphic representation, which has not yet been envisaged for this type of marks.)	No protection yet. (This is due to the fact that, under Italian TM law, marks must have a graphic representation, which has not yet been envisaged for this type of marks.)	No information available	This category of marks does not exist as such in Italy. Position marks are treated as figurative marks.	No information available		No published examination guidelines.	Elisabetta D'Amore

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<b>LATVIA</b> *According to Latvian TM law, all trademarks, in order to be registrable, must be capable of being graphically represented.	ID	ID	ID/CL. (ID: Regional Admin. Tribunal judgment of 27.09.2007 case A 4221210: a shape (3D) trademark СТОЛЬНАЯ [STOLNAJA VODKA] does not confuse with the trademark STOLICHNAYA RUSSIAN VODKA in the sense of Art. 4 (1) b) of Council Directive 89/104, therefore trademarks were found dissimilar.)	AD	ID	AD	AD	AD	AD	AD	AD	ID. No case law to report. Theoretically, a light signal trademark may be used in entertainment industry, advertising, electronics, etc.	No published examination guidelines dealing with non-traditional trademarks.	Giulia Bramanti
<b>LITHUANIA</b>	ID	AD	ID	ID	ID	AD	AD	AD	AD	AD	AD	---	No published examination guidelines dealing with NTMs.	Giulia Bramanti
<b>NORWAY</b>	AD/ID	AD/ID; CL. (The first musical trademark registration was granted for a representation in form of musical notation in October 19, 2000. (Reg. No. 205380, Dolby))	AD/ID	AD	AD/ID	No	No	-	AD/ID	AD/ID	AD/ID		Guidelines (in Norwegian) for the examination of NTMs have been issued for sound-, moving image- and colour per se-marks.  www.patentstyret.no/no/Varemerke/Regelverk/Varemerke_-_siste_endringer_i/Retningslinjer-ved-innlevering-av-lydmerke-bevegelsesmerke-og-fargemerke/	Hans-Anders Odh

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POLAND	ID/CL (see appendix)	ID/CL (see appendix)	ID/CL (see appendix)	AD/CL (see appendix)	ID/CL (see appendix)	AD (No examples and case law available.)	AD (No examples and case law available.)	AD (No examples and case law available.)	ID/CL (see appendix)	ID/CL (see appendix)	ID (No examples and case law available.)		Poland has not published examination guidelines dealing with non-traditional trademarks.	Monika Wieczorkowska
PORTUGAL	ID	ID/AD	ID/AD; CL (The Portuguese Courts require the shapes to have acquired distinctiveness, which must be shown during Court proceedings.)	ID/AD (Under the Portuguese law is not clear that single colour trademarks can be registered. However TM registration nº 374136, consisting in a single colour (pantone yellow c 35%) was registered on 29 July 2005 to designate goods in class 16 (publications, including telephone lists – “yellow pages”). So far is the only single colour TTM registration in force in Portugal.)	ID/AD	No information available	No information available	No information available	No information available	No information available			The Office has published examination guidelines, but no reference to non-traditional trademarks is mentioned.	João Paulo Mioludo

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ROMANIA	---	ID (see appendix)	ID	AD (Example: Reg No 058585 (orange, pantone code 151) of ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED.)	ID	---	---	---	ID/CL (see appendix)	ID/CL (see appendix)	ID		For the effective trademark law (84/1998), RPTO has not issued an internal guideline for mark's examination. Also there is no guideline for non-traditional trademarks.	Christian Schumacher, with thanks to Eduard Sorin Pavel (Bucharest)
RUSSIA	See shape (3-D)	ID/CL (see appendix)	ID/AD; CL (see appendix)	AD/CL (see appendix)	ID/CL (see appendix)	No protection	No protection	No protection	ID	No protection	ID	ID (Light trademark determined as a combination of light indications (signals) with a certain sequence, glowing duration and other particulars (art. 2.11 of the Rules issued by Rospatent, Order № 4322 of March 5, 2003).)	No published guidelines for NTMs	Sandra Sophia Bormann

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SERBIA / MONTENEGRO	ID/AD	ID/AD; Musical notes (see Annex)	ID or AD (see Annex)	No protection (CL: One refused case before the SPTO "Dark red color" for classes 09, 16, 36, 37, 38)	ID/AD (see Annex)	ID/AD; Not expressly provided, although graphic representation is required.	ID/AD. Not expressly provided, although graphic representation is required.	ID/AD; Not expressly provided, although graphic representation is required.	ID/AD; Not expressly provided, although graphic representation is required.	Unkonwn in Serbia/Mont.; Protected as figurative marks.	ID/AD; Not expressly provided, although graphic representation is required.		Serbian PTO published exam. guidelines (in English, "Methodology") which address 3-D, color, and sound marks as set forth both in the Serbian TM Act and in the Guidelines. Includes requirements for the proof of AD as the general rule, in particular, for single color marks or some 3D marks that may eventually fall under prohibitions concerning the intrinsic value of the product or patterns with a technical effect (shapes intended for packaging). The general principle is that they should be banned from registration unless AD can be proved.  <a href="http://www.yupat.sv.gov.yu/en/pdf_zigovi/methodology.pdf">http://www.yupat.sv.gov.yu/en/pdf_zigovi/methodology.pdf</a>	Joan Salvà

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<b>SLOVAKIA</b>	ID (Registration as 3D or device mark.) - must be able to be graphically presented.	No protection	ID - must be able to be graphically presented.	No marks registered yet. (According to the national trademark law, AD registration should be possible. However, no cases or registrations are available yet.)	No marks registered yet. (According to the national trademark law, AD registration should be possible. However, no cases or registrations are available yet.)	No protection	No protection	No protection	No protection	No protection	No protection	No protection	No published guidelines for NTMs	Sandra Sophia Bormann
<b>SLOVENIA</b>	ID	Yes. (At the moment only sound marks represented graphically as a sequence of notes on a musical stave.)	ID (Explicitly mentioned in the law.)	AD	Yes. (Explicitly mentioned in the law.)	No. (Not mentioned in the law – no case law.)	No. (Not mentioned in the law - no case law.)	No. (Not mentioned in the law - no case law.)	No. (Not mentioned in the law – no case law.)	No. (Not mentioned in the law – no case law.)	Maybe. (As OHIM appears to accept, so will probably the Slovenian Office.)		The Slovenian Intellectual Property Office has no published examination guidelines.	Xandra Reijns-Kouwenaar
<b>SPAIN</b>	ID/CL (see appendix)	ID/CL (see appendix)	ID/CL (see appendix)	No protection/CL (see appendix)	ID/CL (see appendix)	No protection	No protection	No protection	No protection	No protection	No protection		No published examination guidelines; examiners apparently have internal guidelines.	Carlos Pires

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SWEDEN	ID/AD; CL (Philips case: Svea Court of appeal held in a verdict issued Jan 28, 2004, that the shape of the shaver was distinctive enough for protection under Sect.2 of the Swedish Trademarks Act. However, since the shape was deemed solely functional no protection was granted to the shape. Swedish Court of Patent Appeals held in a decision of May 17, 2005 that both qualitative and quantitative differences from the shapes of normal bottles shall be regarded while deciding whether the shape of a liquor bottle should be deemed distinctive or not.)	ID/AD; CL (In Sweden musical notations were accepted for the first time in a decision from the Court of Patent Appeals of December 17, 1998.)	ID, AD	AD/CL. (According to a decision of the Court of Patent Appeals of March 18, 2005, the first single colour trademark was registered after shown use, namely a specific violet colour in relation to coffee. (Löfbergs Lila).)	AD/ID	No/CL. (The Swedish Patent Office has rejected a trademark application for a smell mark on the grounds that a chromatography was not an accepted way of representing the mark appl. no. 98-822 (Lancome). There are no other known applications or registrations in Sweden.)	No	There are no examples of registrations or applications for touch marks in Sweden.	AD/ID	AD/ID	AD/ID		The Swedish PTO has prepared guidelines for internal office use (in Swedish only). These guidelines deal with different kinds of trademarks including some of the Non Traditional Trademarks, such as sound marks and moving marks.	Hans-Anders Odh

COUNTRY	TRADE DRESS	SOUND	SHAPE (3-D)	SINGLE COLOUR	COMBINATION COLOUR	SMELL	TASTE	TOUCH	MOTION	POSITION (PLACEMENT OF MARKS ON GOODS)	HOLOGRAM	LIGHT MARKS	PUBLISHED EXAM. GUIDELINES?	PROVIDED BY:
SWITZERLAND	ID/AD. (For ID to be registrable, a trade dress must be very distinctive (distinctive 3-D (see Shape 3-D), or distinctive figurative elements, or word mark affixed on the shape (must shown the shape of the trade dress). AD otherwise, e.g. motifs not registrable).	AD or ID if accompanied by a text. (For ID, must be a melody + text. AD for pure sound.)	ID/AD. (ID: 3-D shape is registrable if representation is distinctive and is not the shape of the product; ID for 3-D shape of the product, ID if shape of the product is not common for type of product. AD for shape of the product if the shape of the product is common.)	AD (not ID)	AD (not ID)	No protection yet (under Swiss TM Law, a trademark must have a graphic representation: currently, it would theoretically be possible to register a smell mark but no one have found an acceptable way to file a graphic representation yet.)	No protection yet (under Swiss TM Law, a trademark must have a graphic representation: currently, it would theoretically be possible to register a smell mark but no one have found an acceptable way to file a graphic representation yet.)	No protection yet (under Swiss TM Law, a trademark must have a graphic representation: currently, it would theoretically be possible to register a smell mark but no one have found an acceptable way to file a graphic representation yet.)	ID or AD (ID (theoretical, very rare in practice that the Swiss Office or Court accept a motion trademark); AD: ok.)	AD (but very restrictive in practice).	ID, if distinctive. AD if not distinctive.		Available in French and German, and include requirements for proof of acquired distinctiveness. Address pattern ("motifs"), sound, shape (3-D), single colour and combination colour, motion, position, and hologram marks.  <i>French:</i> <a href="https://www.ige.ch/index.php?id=526&amp;L=1">https://www.ige.ch/index.php?id=526&amp;L=1</a>  <i>German:</i> <a href="https://www.ige.ch/index.php?id=526">https://www.ige.ch/index.php?id=526</a>	John Wheeler



COUNTRY	TRADE DRESS	SOUND	SHAPE (3-D)	SINGLE COLOUR	COMBINATION COLOUR	SMELL	TASTE	TOUCH	MOTION	POSITION (PLACEMENT OF MARKS ON GOODS)	HOLOGRAM	LIGHT MARKS	PUBLISHED EXAM. GUIDELINES?	PROVIDED BY:
TURKEY	registrable	registrable; CL	ID	AD	registrable	Not filed yet*. The position of the Turkish Patent Institute is not determined in the absence of any filing; NTM subcommittee member discussed the matter with a Senior Examiner assessing International Registration extended to Turkey, a Senior Examiner from the Higher Council, a Junior Examiner; none of them remember a specific application for these types of trademarks.	Not filed yet*. Refer to notes for "Smell".	Not filed yet*. Refer to notes for "Smell".	Not filed yet*. Refer to notes for "Smell".	Not filed yet*. Refer to notes for "Smell".	Not filed yet*. Refer to notes for "Smell".			Konstanze Lüken, with thanks to Deris Patents & Trademarks Agency for collecting and supplying the data.
UKRAINE	ID/CL (see appendix)	No	ID/CL (see appendix)	AD/CL (see appendix)	AD/CL (see appendix)	No	No	No	ID	ID	ID			Konstanze Lüken, with thanks to Euromarkpat for collecting and supplying the data.

COUNTRY	TRADE DRESS	SOUND	SHAPE (3-D)	SINGLE COLOUR	COMBINATION COLOUR	SMELL	TASTE	TOUCH	MOTION	POSITION (PLACEMENT OF MARKS ON GOODS)	HOLOGRAM	LIGHT MARKS	PUBLISHED EXAM. GUIDELINES?	PROVIDED BY:
<b>UNITED KINGDOM</b> All kinds of marks are theoretically registrable depending on their distinctive character and their capacity to be represented graphically. Therefore some marks will be considered to be inherently distinctive and others will require evidence of distinctive character.	AD/ID. The registrability of applications filed in relation to trade dress will depend on their individual distinctive character. No separate concept of trade dress exists in the United Kingdom. If an aspect of the visual appearance for a product or its packaging is distinctive it should be registrable without evidence of acquired distinctiveness. If the trade dress is not inherently distinctive evidence of acquired distinctiveness will be required.	AD/ID; CL. Shield (C-283/01 ECJ) Sieckmann (C-273/00 ECJ) "Representation must be clear, precise, self-contained, easily accessible, durable and objective".	AD/ID; CL. Linde (C-53/01 to C-55/01 ECJ) Henkel (C-218/01 ECJ) Philips v Remington (C-299/99) Philips [1999] ETMR 816. In theory, distinctive non-functional shapes are registrable without evidence of acquired distinctiveness.	AD/ID; CL. Sieckmann (C-273/00 ECJ) applies Libertel (C-104/01 ECJ) – Single colours not usually used to identify origin; single colours likely to lack ability to distinguish without evidence of acquired distinctiveness. Each case must be assessed individually; single colours may also attract objections if they carry a descriptive message or are customary in trade e.g. red for fire extinguishers.	AD/ID; CL. Libertel (C-104/01 ECJ) Sieckmann (C-273/00 ECJ) Heidelberger Bauchemie GmbH (C-49/02 ECJ) Some colour combinations may be perceived as inherently distinctive; others will be considered to require evidence of distinctive character.	AD/CL. Sieckmann (C-273/00 ECJ) applies. However may be very difficult to represent graphically. Non-distinctive for goods associated with their aroma e.g. fragrances.	AD/CL. Sieckmann (C-273/00 ECJ) applies. No specific cases related to taste. Usual registrability criteria apply	AD. Sieckmann (C-273/00 ECJ) applies. No specific cases related to touch. Usual registrability criteria apply.	ID/CL. Sieckmann (C-273/00 ECJ) applies. Registration of motion marks is subject to usual criteria but is likely to require evidence of distinctive character as subject matter not usually perceived as trade mark. Some motion marks have been accepted.	AD/ID. Sieckmann (C-273/00 ECJ) applies. Inherent registrability depends on capacity to distinguish. There are a number of marks of this kind in the United Kingdom.	ID/CL. Sieckmann (C-273/00 ECJ) Holograms are registrable subject to usual criteria and representations of each image appearing in the hologram.		The UK trade marks registry has an examination manual which outlines the practice (where one exists) for a wide range of different kinds of marks. Within the manual there is practice on various kinds of non-traditional marks, most of which are referred to as unconventional trade marks. The manual is fully searchable but is not set up to enable links to individual sections.  <a href="http://www.ipo.gov.uk/pro-types/pro-tm/t-law/t-manual.htm">http://www.ipo.gov.uk/pro-types/pro-tm/t-law/t-manual.htm</a>	Clarie Hutchinson