

How to search for trade marks

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Introduction

A trade mark is a sign by which a company identifies its goods and/or services and distinguishes them from the goods and services supplied by other companies. The owner has the exclusive rights to use the trade mark in relation to those goods and services. Therefore, before applying for a new trade mark, it is essential to make sure that it is free to use, meaning that it should not be similar or identical to any trade mark already existing (registered or undergoing the filing process) for the classes of products or services the new trade mark applies to.

Trade mark registration is one of the strongest ways to defend a brand; a way to ensure that no one else uses it. If you do not register your trade mark, others may do so and acquire your rights to distinguish their goods and services.

Once a trade mark is registered, it is also important to regularly consult trade mark databases in order to check if similar or identical trademarks are being registered. As this would affect the owner's earlier rights and lead to infringement, consulting the databases allows preventing unlawful registrations by engaging in opposition procedures.

These databases are also an excellent source of business information. In fact, knowing the trade marks 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.

Trade marks are of great importance also in EU funded projects, such as the Seventh Framework Program for research and innovation (FP7) or the Competitiveness and Innovation Framework Program (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.

1. Types of trade marks

A trade mark may consist of any signs capable of being represented graphically, particularly words, including personal names, designs, letters, numerals, the shape of goods or of their packaging, provided that such signs are capable of distinguishing the goods or services of one company from those of other companies.

The most common types of trade marks are:

- **Word marks**, including letters, numbers or combination of letters, numbers and words;
- **Figurative marks**, whether or not including words and/or colours.

Other signs which may be registered as a trade mark include colours or combinations of colours; three-dimensional marks and sound marks.

2. Goods and services (G&S)

Every trade mark applied for registration has to define the scope of goods and/or services for which the trade mark intends to do business or trade in. In effect, a trade mark is linked to the goods and services it has been applied for and obtains exclusive protection only for those goods and services.

3. Trade mark classification

When applying for a trade mark, the applicant will need to provide a list of the goods and/or services on which the applicant intends to use the trade mark.

The Nice Agreement establishes an international classification of goods and services for the purposes of trade mark registration called the **Nice Classification**¹. Such classification is applicable to all types of trade marks and **serves the purpose of defining the scope of protection of a trade mark**. It provides a trade mark applicant, when organising the goods or services for which its sign will be used into the correct classes, with general information about the types of goods (classes 1 – 34) and services (classes 35 – 45) belonging to each class.

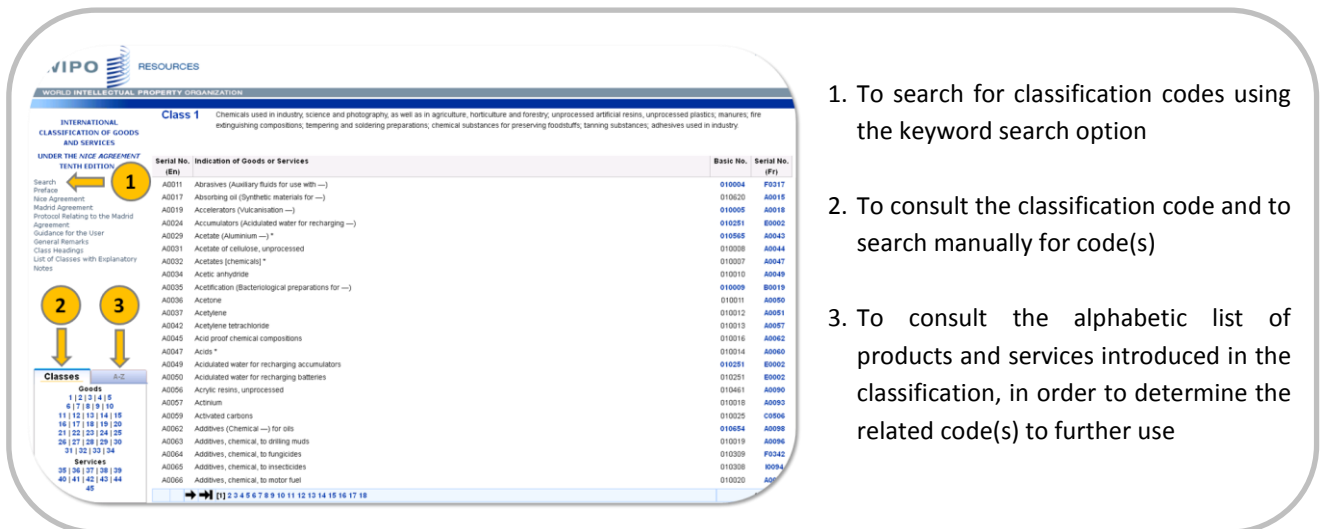
¹ The Nice Classification is provided by the World Intellectual Property Organization (WIPO) and is available at <http://www.wipo.int/classifications/nice/en/>

The Office for Harmonization in the Internal Market (OHIM), also has an extensive classification database (which includes all of the terms in the Nice Classification) called **EuroClass²**. EuroClass is a useful tool aiming at assisting applicants with the classification of goods and services when filing trade marks applications. The tool allows applicants to compare the classification databases of the Participating EU Offices supplying data to EuroClass. Lists of goods and services can be verified for acceptance by participating Offices and, where no entry is found, it provides a list of similar terms in the searched classes. If a term is selected from the OHIM database to be included in a CTM application, it is guaranteed that it will be automatically accepted by OHIM.

Moreover, the ultimate objective of EuroClass is to create a harmonised database where all the Participating Offices' Databases share the same valid terms, with a view to simplifying the application process.

4. Searching for Nice classification codes

There are three main ways to find a classification when using the Nice classification database³:



The screenshot shows the WIPO Nice Classification database interface. It features a search bar at the top, a list of classes, and a detailed view of Class 1. Three numbered callouts indicate the search process: 1. The search bar, 2. The selection of Class 1, and 3. The alphabetical list of goods under Class 1.

Serial No. (En)	Indication of Goods or Services	Basic No.	Serial No. (Fr)
A0011	Abrasives (Auxiliary fluids for use with —)	010004	F0317
A0017	Absorbing oil (Synthetic materials for —)	010020	A0018
A0019	Accelerators (Vulcanisation —)	010005	A0016
A0024	Accumulators (Acidulated water for recharging —)	010251	E0002
A0029	Acetate (Aluminium —) *	010565	A0043
A0031	Acetate of cellulose, unprocessed	010008	A0044
A0032	Acetates (Chemical) *	010007	A0047
A0034	Acetic anhydride	010010	A0049
A0035	Acetification (Bacteriological preparations for —)	010009	B0019
A0036	Acetone	010011	A0050
A0037	Acetylene	010012	A0051
A0042	Acetylene tetrachloride	010013	A0057
A0045	Acid proof chemical compositions	010016	A0062
A0047	Acids *	010014	A0060
A0049	Acidulated water for recharging accumulators	010251	E0002
A0050	Acidulated water for recharging batteries	010251	E0002
A0056	Acrylic resins, unprocessed	010451	A0090
A0057	Actinum	010019	A0093
A0059	Activated carbons	010025	C0006
A0062	Additives (Chemical —) for oils	010654	A0098
A0063	Additives, chemical, to drilling muds	010019	A0096
A0064	Additives, chemical, to fungicides	010309	F0342
A0065	Additives, chemical, to insecticides	010308	I0044
A0066	Additives, chemical, to motor fuel	010020	A0091

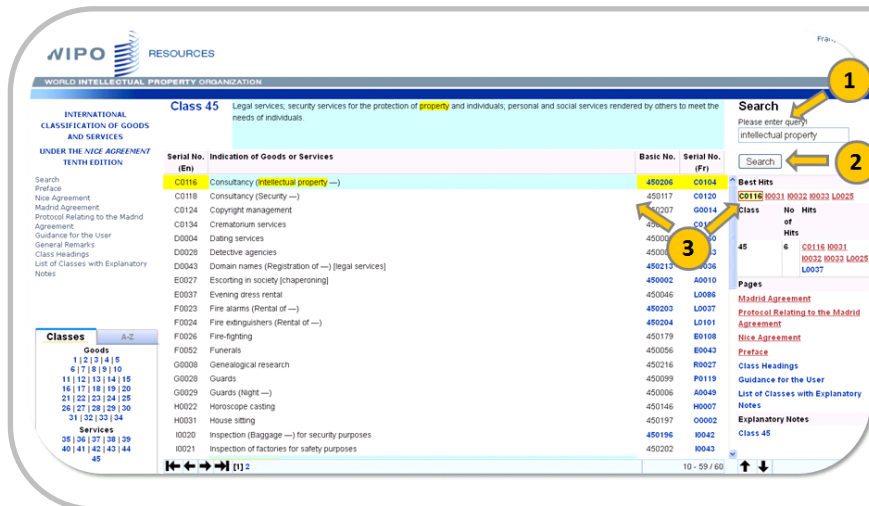
1. To search for classification codes using the keyword search option
2. To consult the classification code and to search manually for code(s)
3. To consult the alphabetic list of products and services introduced in the classification, in order to determine the related code(s) to further use

² EuroClass is available at <http://oami.europa.eu/ec2/>

³ This tool is available in the WIPO's website at www.wipo.int/classifications/nivilo/nice/index.htm?lang=EN

4.1 How to use the search function?

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



The screenshot shows the WIPO search interface. On the left, there is a navigation menu with 'Search' highlighted. The main area displays 'Class 45' with a list of goods and services. A search box at the top right contains the text 'intellectual property'. Below the search box is a 'Search' button. To the right of the search box, there is a 'Best Hits' section showing results for 'Class 45'. Three numbered arrows point to the search input (1), the search button (2), and the search results (3).

1. Introduce your search terms in the related query box
2. Click on “Search”
3. Results are presented just under the search related part. When clicking on a result/code, the system provides you with the meaning of the code

5. Searching for trade marks

Concerning **word marks**, the searching procedure is simple as explained below.

To be able to search for **figurative trade marks**, a classification code is necessary and the **Vienna Classification** is used. This international classification system was established through the Vienna Agreement and permits classifying figurative elements of trade marks. The classification of the images is usually done by the selected Office when submitting a new application⁴.

The Vienna Classification constitutes a hierarchical system⁵ that proceeds from the general to the particular, classifying the figurative elements of trade marks into categories, divisions and sections, on the basis of their shape and appearance.

In order to search a figurative element using the Vienna classification, the applicant first needs to identify as search criteria the Vienna classification code(s) relevant to the image of the trade mark being searched for. These criteria could also be combined with another element for a better search (trade mark name, holder name, representative...).

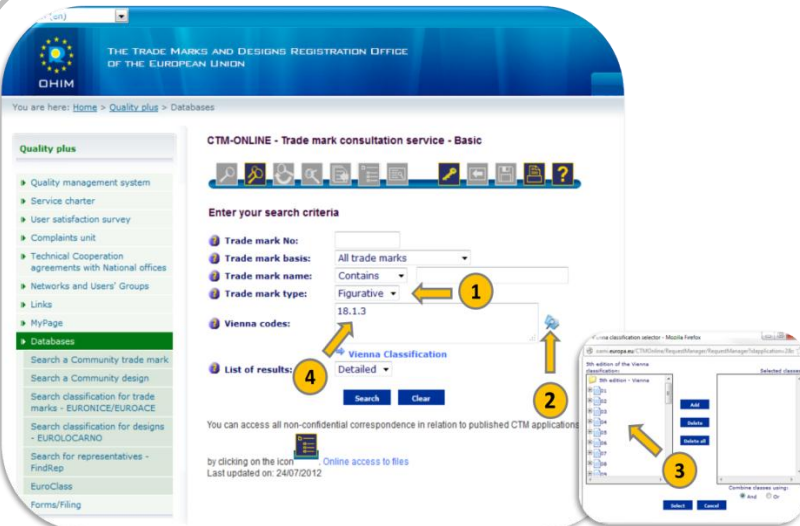
⁴ To perform a search under the Vienna Classification, we suggest that you contact an expert or ask your national IP Office whether it provides such service.

⁵ It can be found at: <http://www.wipo.int/classifications/nivilo/vienna/index.htm?lang=EN>



1. Click on “Search” and Introduce your search terms in the related query box
2. Results/codes are presented just under the search related part. When clicking on a result/code, the system provides you with the meaning of the code

Once the Vienna classification code(s) have been retrieved, they can be used to perform a search within the OHIM database⁶.



1. Select the *trade mark type* as figurative, 3D or colour in the drop-down menu.
2. Click on the related icon which opens a new window
3. There select the Vienna Classification⁷ classes and/or subclasses.
4. Once selected the class(es), the code is displayed in the Vienna codes field box and you can click on search to have the results.

⁶ http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic

⁷ By clicking on the Vienna Classification link under the field box, you can access further information on the purpose and logic of the Vienna classification.

At OHIM, the OHIM Vienna Classification Manual is used, which is based on the 6th edition of the international classification. It contains some additional sections and divisions that do not exist in the international version and that have been added to specify to a higher degree the figurative element in sections (also called codes) that are frequently used. These additions improve the efficiency of the searches since it helps to exclude non-relevant results.

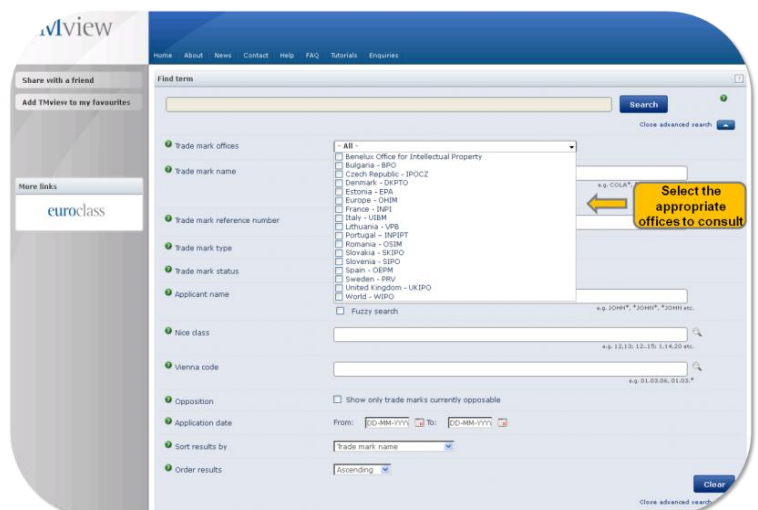
5.1. Searching in the EU: TMview

TMview is an online consultation tool allowing free of charge trade mark searches. It includes all types of trade marks present in the official databases of the participating EU Trade Mark Offices, the **OHIM** and **WIPO**. The tool is updated daily by the respective national trade mark offices and it is available in 22 languages. Although at the moment only **17 EU National Offices** are participating, with the gradual integration of new offices or organisations, TMview aims to be a wide-ranging platform containing the data from all 27 EU Member States, in addition to the information available from OHIM and WIPO.

5.1.1. Using TMview

The TMview⁸ database can be found at any of the participating offices' website, allowing trade mark searches:

- At **national level**, for 19 trade mark offices⁹ (Bulgaria, Benelux, Czech Republic, Denmark, Estonia, Spain, France, the UK, Italy, Lithuania, Portugal, Romania, Slovakia, Slovenia, Sweden, Finland, Latvia, Hungary and Malta);
- At **community level** (OHIM); and
- At **international level** (WIPO).



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

The basic search allows you to perform rapid queries. The system searches for the search string introduced, but it is possible to introduce at the same time several search criteria. In such a case, the code related to each search criteria has to be introduced.¹⁰ On the other hand, the advanced search interface allows more accurate searches and, particularly, the possibility to specify more criteria.

⁸ TMview is available at www.tmview.europa.eu/tmview/welcome.html. TMview is in constant evolution: it aims to be the platform for data from all 27 EU Member States in addition to the information available from OHIM and WIPO.

⁹ TMview is in constant evolution: it aims to be the platform for data from all 27 EU Member States in addition to the information available from OHIM and WIPO.

¹⁰ For further information, we suggest that you consult the "help" available at TMview.

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.

5.1.2. 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, mainly for those countries who are not yet part of the TMview database.

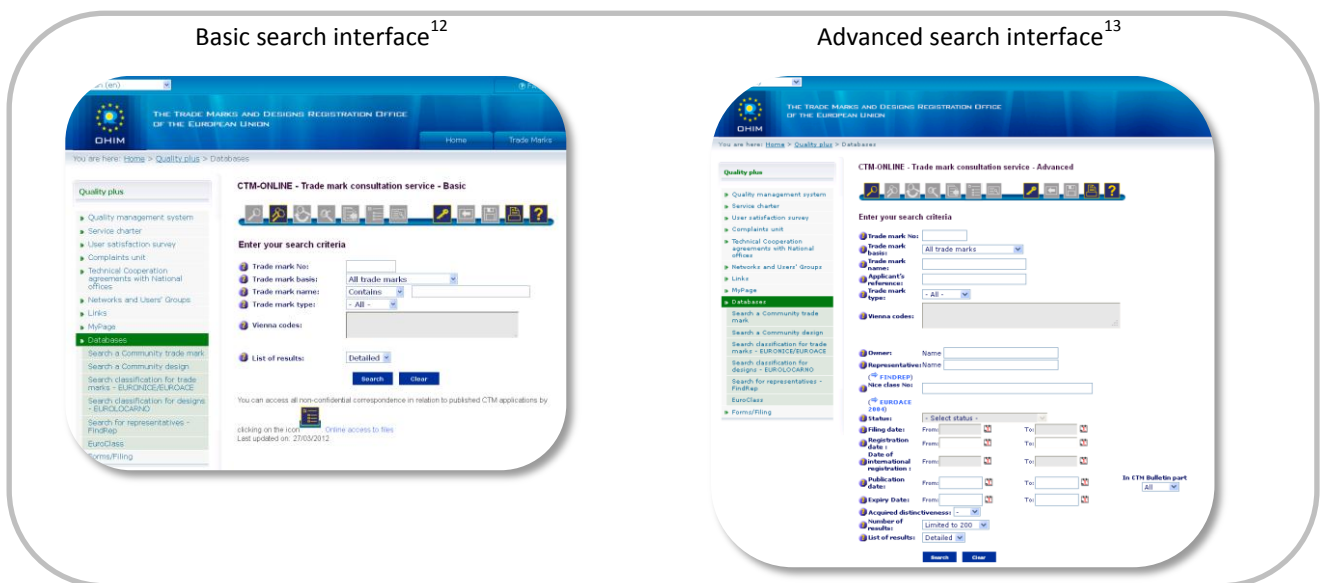
5.2. Searching community trade marks: CTM-Online

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 tool¹¹.

5.2.1. 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.

¹¹ This search tool is available in OHIM’s website at:

<http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do>.

¹² You can use the basic search in the following URL:

http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic_NoReg.

¹³ The advance search can be found at the following URL:

http://oami.europa.eu/CTMOnline/RequestManager/en_SearchAdvanced_NoReg.

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, and so forth.

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 clicking on its title



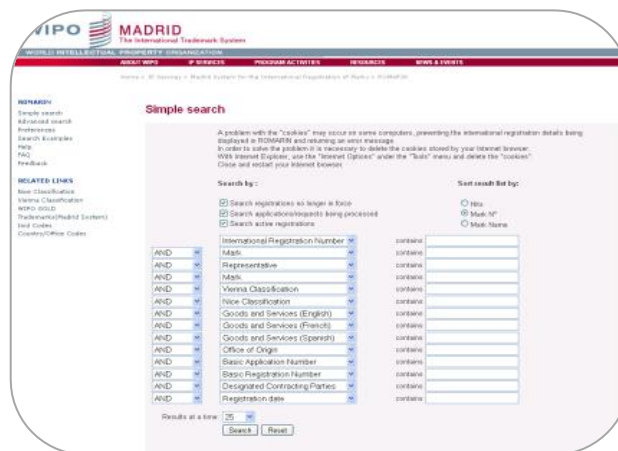
5.3. Searching international trademarks

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.

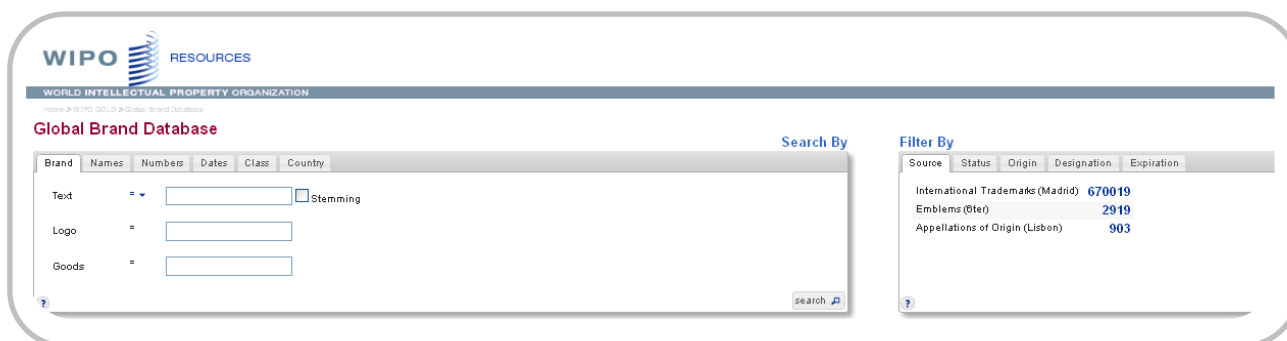
5.3.1. ROMARIN database

The ROMARIN¹⁴ 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).



5.3.2. Global Brand database

The Global Brand¹⁵ database goes far beyond in term of search options, as well as daily updates of international trademarks.



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).

¹⁴ ROMARIN is available at <http://www.wipo.int/romarin>.

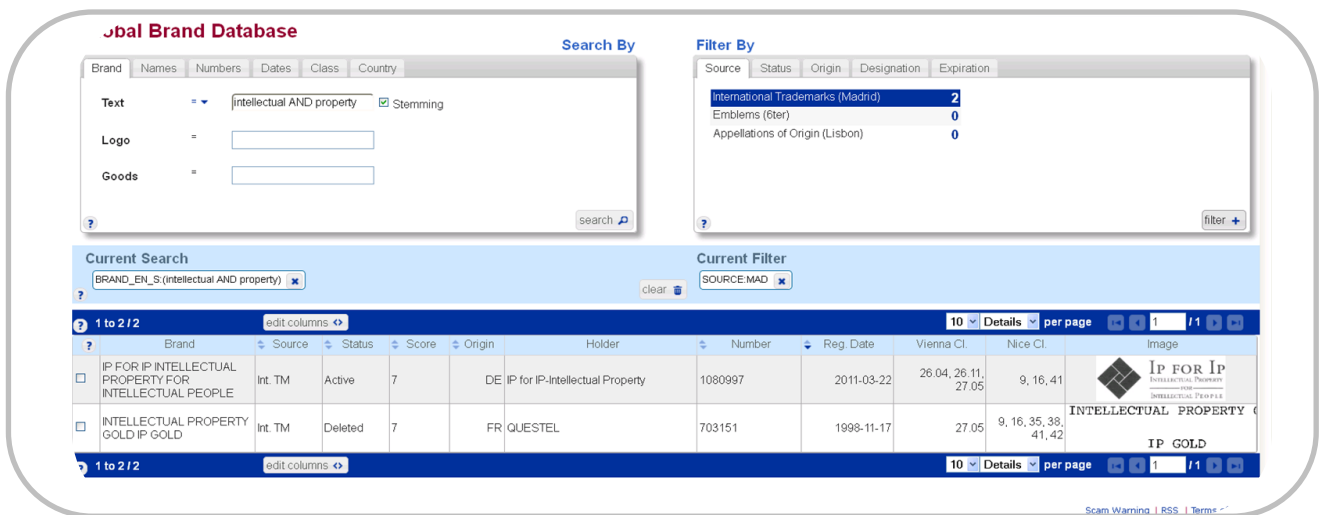
¹⁵ Accessible on: <http://www.wipo.int/branddb/en/index.jsp#>.

Boolean operators¹⁶ 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.

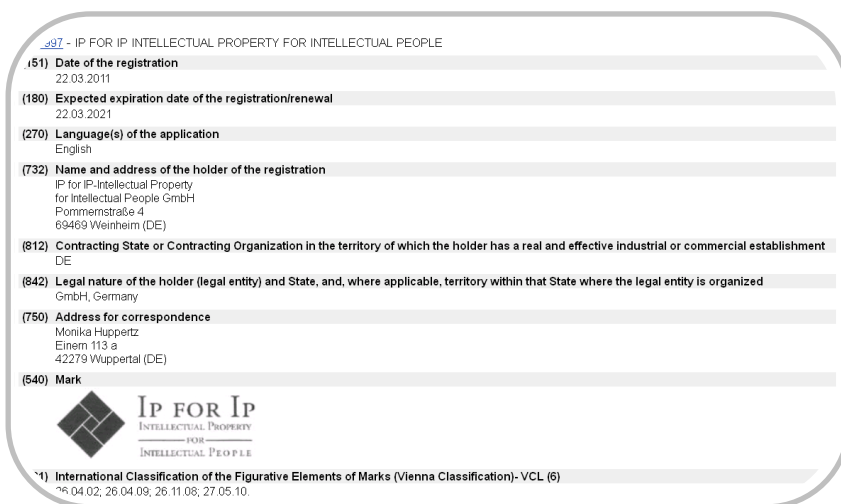
For example, a search of the term “intellectual property”, filtered by international trademark would provide you with two results presented just under the search and filter boxes. You may see the results below.




The screenshot shows the 'Global Brand Database' search interface. The search criteria are 'Text: intellectual AND property' with 'Stemming' checked. The filter is set to 'International Trademarks (Madrid)'. The results table shows two entries:

Brand	Source	Status	Score	Origin	Holder	Number	Reg. Date	Vienna Cl.	Nice Cl.	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	
INTELLECTUAL PROPERTY GOLD IP GOLD	Int. TM	Deleted	7	FR	QUESTEL	703151	1998-11-17	27.05	9, 16, 35, 38, 41, 42	

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

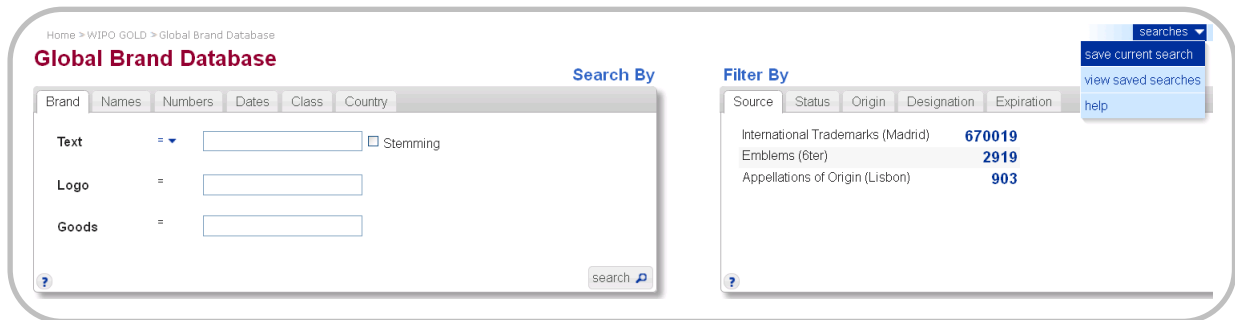


The screenshot shows the detailed registration information for the trademark 'IP FOR IP INTELLECTUAL PROPERTY FOR INTELLECTUAL PEOPLE' (No. 1080997). The details include:

- (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, Pommerstraße 4, 69469 Weinheim (DE)
- (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 INTELLECTUAL PROPERTY FOR INTELLECTUAL PEOPLE
- (41) International Classification of the Figurative Elements of Marks (Vienna Classification)- VCL (6):** 26.04.02; 26.04.09; 26.11.08; 27.05.10.

¹⁶ See textbox at the end of this document.

Note that results can be saved for further use:



Home > WIPO GOLD > Global Brand Database

Global Brand Database


Search By

Brand | Names | Numbers | Dates | Class | Country

Text = Stemming

Logo =

Goods =

search 

Filter By

Source | Status | Origin | Designation | Expiration

International Trademarks (Madrid)	670019
Emblems (6ter)	2919
Appellations of Origin (Lisbon)	903

searches

save current search

view saved searches

help

Boolean operators

Boolean operators define the relationships between words or groups of words and within search engines have the purpose to refine the search. Depending on how they are used search results may then considerably differ. The following are the most common:

- **AND** (intersection: query returns only those documents which contain all the terms combined. It narrows the search);
Example: automobile AND electric
- **OR** (query returns all documents containing at least one of the three terms. It broadens the search);
Example: automobile OR vehicle OR electric
- **NOT** (exclusion: query returns only those documents which do not contain the term following the NOT operator. It narrows the search).
Example: vehicle NOT electric

Useful Resources

For further information on the topic please also see:

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



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