

# Protection of sound and vision - changes to EU trade mark law

Simon Haslam

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# Changes

Lots of recent changes to EU trade mark law entered into force

- + Change of name of trade mark and office
- + One fee per class
- + Change to interpretation of “class heading” listings

# Changes

Three main areas of changes as of 1<sup>st</sup> October 2017 (transitional provisions apply)

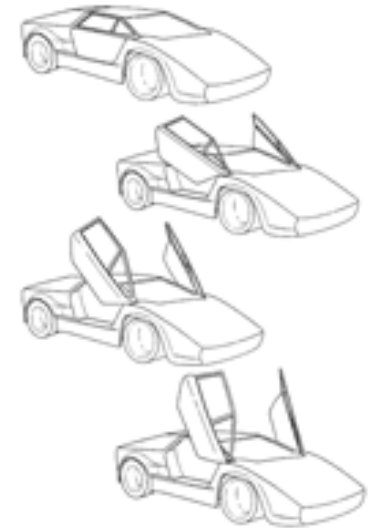
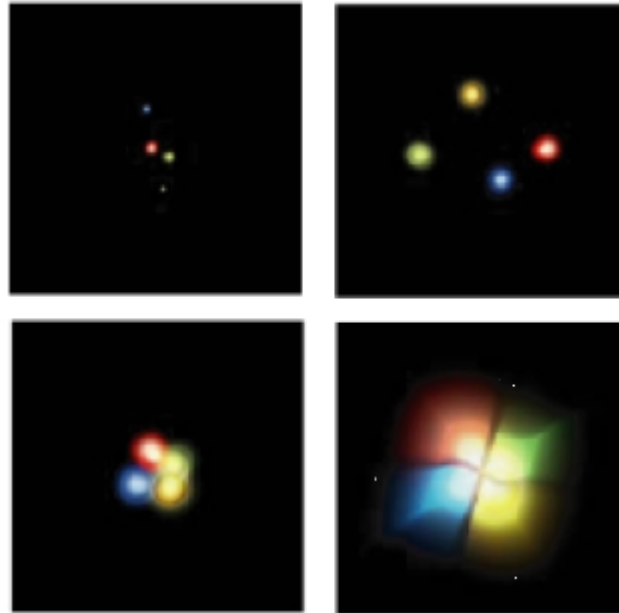
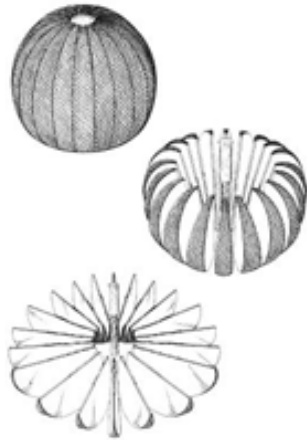
- + Need for “graphical representation” abolished – mark still need to be clear and precise
- + New multimedia marks – combination of image and sound
- + Certification marks available
- + Procedural changes

# Abolishing of the “graphical representation” rule

- + Currently need for mark to be capable of graphical representation
- + Will be abolished
- + Not so relevant for certain types of mark (word, logo, shape, position, pattern, colour, colour combinations)
- + More relevant for sound, motion, multimedia and hologram marks

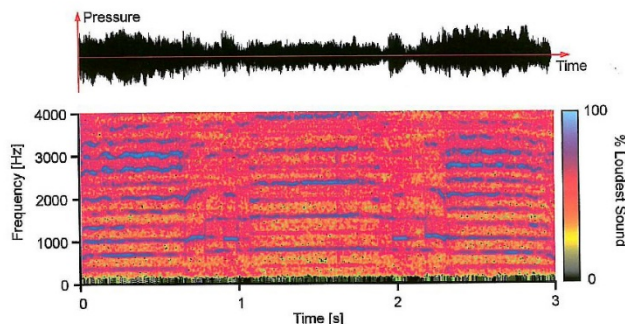
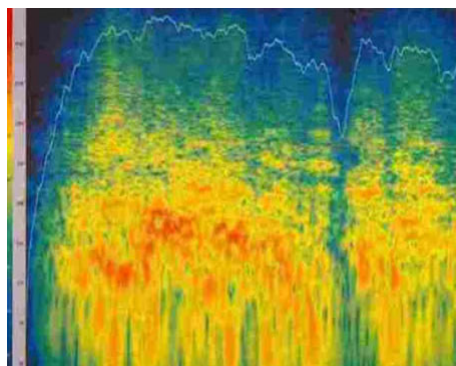
# Abolishing of the “graphical representation” rule

“Traditional” depiction of movement marks



# Abolishing of the “graphical representation” rule

“Traditional” depiction of sound marks



NT.ogg

# Abolishing of the “graphical representation” rule

“Traditional” depiction of hologram marks

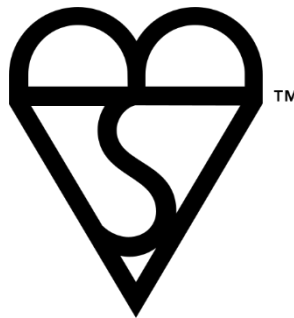


# Certification marks

- + Certify that the goods/services associated with the certification mark meet certain standards



WOOLMARK





# Procedural changes

- + Not much of general interest
  - Advantageous change to rules and regs relating to pleadings of acquired distinctiveness
  - Possibility to assign EUTM as remedy as alternative to invalidation
  - Need to claim priority when file EUTM application (cannot add later)

# Action plans

- + If you have sound, motion, multimedia or hologram trade mark, should now be easier to secure TM protection for that mark
- + National offices (including GB) have until Jan. 2019 to implement these changes into national law
- + Still no word on what happens to GB parts of EU registered trade marks post Brexit

# Abel+Imray



## London

20 Red Lion Street  
WC1R 4PQ, UK  
T 020 7242 9984  
F 020 7242 9989

## Cardiff

3 Assembly Square  
Britannia Quay  
CF10 4PL, UK  
T 029 2089 4200  
F 029 2089 4201

## Bath

Westpoint Building  
James Street West  
BA1 2DA, UK  
T 01225 469 914  
F 01225 338 098

[www.abelimray.com](http://www.abelimray.com)