

# Tutorial — EUIPO Guidelines in HTML format

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2019

## INTRODUCTION

This document provides an overview of the main features and functionalities of the new EUIPO Guidelines in HTML format.

*We recommend that you use the latest version of **Mozilla Firefox** or **Google Chrome** as browsers for the best experience.*

## TABLE OF CONTENTS

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## EUIPO GUIDELINES START PAGE

- Navigate to the [start page](#) of the new EUIPO Guidelines under the Law & practice menu of the EUIPO website.
- From there, the three main pages to visit are:
  - a) the EUIPO Guidelines for Examination of EUTMs in HTML format;
  - b) the EUIPO Guidelines for Examination of RCDs in HTML format;
  - c) the Repository with previous editions of the EUIPO Guidelines in PDF format.

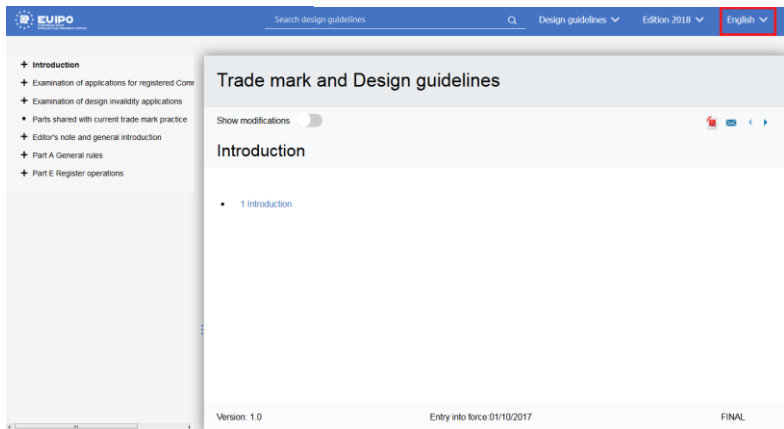


## CHANGE LANGUAGE

The tool is available in 23 official languages of the European Union.

- You can change the language by selecting a language from the dropdown menu at the top right corner.
- Even though you change the language, the tool will remember:
  - a) which part, section, or topic you navigated to, and;
  - b) whether you had ‘Show modifications’ turned off or on.

български	suomi	Nederlands
čeština	français	polski
dansk	hrvatski	português
Deutsch	magyar	română
ελληνικά	italiano	slovenčina
English	✓ lietuvių kalba	slovenščina
español	latviešu valoda	svenska
eesti keel	Malti	



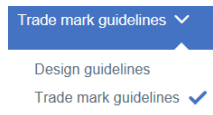
The screenshot shows the EUIPO Guidelines interface. At the top right, there is a language dropdown menu with 'English' selected and highlighted by a red box. Below the menu, the 'Show modifications' toggle is turned off. The main content area displays the 'Introduction' section of the 'Trade mark and Design guidelines'.

## NAVIGATION

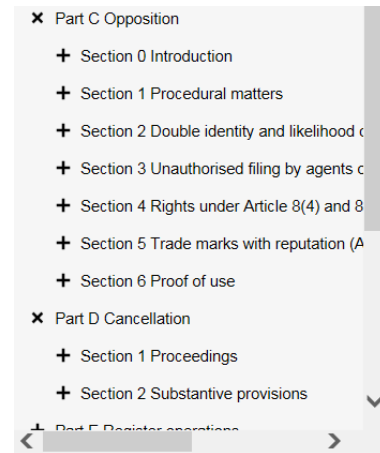
- To view the different parts of the Guidelines, use the Table of Contents (TOC) on the left hand side for navigation.
- You can navigate to deeper levels in the TOC by clicking on the ‘+’ symbol to see more topics, and on the ‘x’ symbol to see less topics.
- The horizontal and vertical scroll bars can be used to fully visualise all topic titles.
- The ‘next page’ and ‘previous page’ buttons can also be used to browse through the content:




- You can switch between the EUTM and the RCD Guidelines at the top of the page:

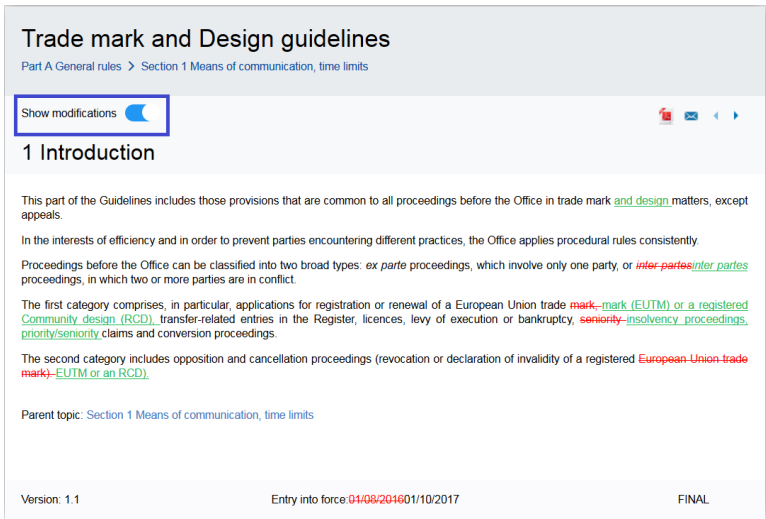


- You can return to the Guidelines [start page](#) by clicking on the EUIPO logo:




## TRACKED CHANGES

- Tracked changes are currently only available in the 5 Office languages: DE, EN, ES, FR, IT.
- The functionality visualises changes made to the title, the body text, and the date of entry into force. It is not applied to the table of contents.
- Navigate to ‘Part A General Rules; Section 1 Means Of Communication, Time Limits; 1 Introduction’ (in any of the 5 Office languages).
- Click on **Show modifications**  on the left hand side directly above the topic title.
- Changes that have been made to the text as compared to the previous adopted version of the Guidelines, now become visible.
- Text marked in red and crossed out indicates deleted text; text marked in green and underlined indicates new text.



The screenshot displays the 'Trade mark and Design guidelines' page, specifically 'Part A General rules > Section 1 Means of communication, time limits'. A 'Show modifications' toggle switch is active. The '1 Introduction' section is visible, containing text with tracked changes: 'and design' is underlined in green, 'inter-partes' is underlined in green, 'inter partes' is underlined in green, 'mark-mark (EUTM) or a registered Community design (RCD)' is underlined in green, 'seniority-insolvency proceedings' is underlined in green, and 'European Union trade mark- EUTM or an RCD' is underlined in green. The footer shows 'Version: 1.1', 'Entry into force: 04/08/2016/10/2017', and 'FINAL'.

## FAST-TRACK CHANGES

- Topics where a fast-track occurred, contain changes triggered by a change of practice that took place after the last adopted edition of the Guidelines entered into force.
- They have a different date of entry into force, as shown at the bottom of the text box: Entry into force:01/01/2019
- Topics where a fast-track occurred, are indicated by a yellow star symbol in the top right-hand corner of the text box: 
- ‘Fast-track’ changes are highlighted in blue.
- When ‘Show modifications’ is turned on, the ‘normal’ changes as compared to the previous adopted version of the Guidelines also become visible, in crossed out red text or green underlined text.

### Trade mark guidelines

Part B Examination > Section 3 Classification > 6 Annex

Show modifications

~~6.47~~ 6.49 Personal assistant services

This term is considered to be vague and needs to be explained further. Personal assistants offer assistance in managing their employer's personal and/or business life by taking over specific tasks, which, however, are not clearly defined. The activities involved could cover services proper to various different classes such as:

- Appointment scheduling services (Class 35)
- Telephone answering (Class 35)
- ~~Travel reservation (Class 39)~~
- Personal trainer services [fitness training] (Class 41)
- ~~Hotel reservations (Class 43)~~
- ~~Reservation of restaurants (Class 43)~~
- Personal reminder services in the area of upcoming important dates and events (Class 45)
- Personal fashion consulting services (Class 45)
- Dog walking services (Class 45).

A similar assessment will be applied to the term ~~s. concierge services or lifestyle management~~ as ~~these are~~ this is, also considered to be too vague for classification purposes.

Parent topic: 6 Annex

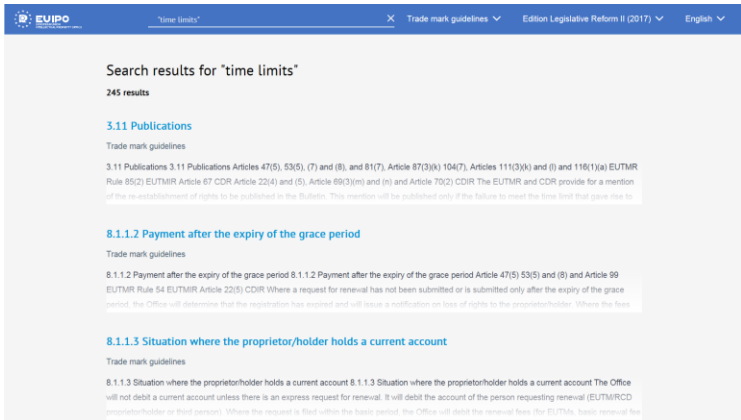
Version: 1.1 Entry into force: ~~04/09/2016~~ 01/01/2019 FINAL



## SEARCH

- Type a search term into the search bar at the top:
- When searching with two or more words, it is advised to use double quotation marks (“ ”) to narrow down search results, e.g.: ‘time limits’.
- You can either search in the Trade mark Guidelines, or in the Design Guidelines.
- Select a search result by clicking on it - see the screenshot on the right:
- To clear the search, click on ‘x’ on the right side of the search bar to return to the introduction page:
- In the future, an advanced search functionality will be implemented to further improve the users’ search experience.

Search trade mark guidelines



The screenshot shows the EUIPO search interface. At the top, there is a navigation bar with the EUIPO logo, a search bar containing the text "time limits", and several dropdown menus for "Trade mark guidelines", "Edition Legislative Reform II (2017)", and "English". Below the navigation bar, the search results are displayed. The title is "Search results for 'time limits'" with "245 results" listed below it. The first result is under the heading "5.11 Publications" and "Trade mark guidelines". It lists "3.11 Publications 3.11 Publications Articles 47(5), 53(5), (7) and (8), and 81(7); Article 87(3)(k) 104(7); Articles 111(3)(k) and (l) and 118(1)(a) EUTMR Rule 85(2) EUTMR Article 67 CDR Article 22(4) and (5), Article 69(3)(m) and (n) and Article 70(2) CDR The EUTMR and CDR provide for a mention of the re-establishment of rights to be published in the Bulletin. This mention will be published only if the failure to meet the time limit that gave rise to...". Below this, there are two sub-sections: "8.1.1.2 Payment after the expiry of the grace period" and "8.1.1.3 Situation where the proprietor/holder holds a current account". Each sub-section has a "Trade mark guidelines" link and a brief description of the rule.

"time limits"

## LINKS TO CASE-LAW

- Navigate to ‘Part B Examination, Section 4, Absolute Grounds for Refusal, Chapter 3, Non-Distinctive Trade Marks, 2 Word Elements’.
- Click on the hyperlink [T-328/11](#) or [T-352/12](#) to open the case in **eSearch Case-Law**.
- These are just examples, as hyperlinks are not yet applied to all cases referenced in the Guidelines.

### Trade mark guidelines

[Part B Examination](#) > [Section 4 Absolute grounds for refusal](#) > [Chapter 3 Non-distinctive trade marks \(Article 7\(1\)\(b\) EUTMR\)](#)

Show modifications




#### 2 Word Elements

Words are non-distinctive or cannot confer distinctiveness on a composite sign if they are so frequently used that they have lost any capacity to distinguish goods and services. The following terms, alone or in combination with other unregistrable elements, fall foul of this provision.

Terms merely denoting a particular positive or appealing quality or function of the goods and services should be refused if applied for either alone or in combination with descriptive terms:

- ECOas denoting ‘ecological’ (24/04/2012, [T-328/11](#), EcoPerfect, EU:T.2012:197, § 25; 15/01/2013, T-625/11, EcoDoor, EU:T.2013:14, § 21);
- FLEX and FLEXias referring to ‘flexible’ (13/06/2014, [T-352/12](#), Flexi, EU:T.2014:519, § 20-21);
- GREENas being ‘environmentally friendly’ (27/02/2015, T-106/14, Greenworld, EU:T.2015:123, § 24);
- MEDIas referring to ‘medical’ (12/07/2012, T-470/09, Medi, EU:T.2012:369);
- MULTias referring to ‘much, many, more than one’ (17/11/2005, R 904/2004-2, MULTI);
- MINias denoting ‘very small’ or ‘tiny’ (17/12/1999, R 62/1999-2, MINIRISC);
- MEGA as denoting ‘big’ (28/04/2015, T-137/13, MEGARAIL, EU:T.2015:232, § 38);
- Premium/PREMIUas referring to ‘best quality’ (22/05/2012, T-60/11, Suisse Premium, EU:T.2012:252, § 46-49, 56, 58; 17/01/2013, T-582/11 & T-583/11, Premium XL / Premium L, EU:T.2013:24, § 26);
- PLUSas denoting ‘additional, extra, of superior quality, excellent of its kind’ (15/12/1999, R 329/1999-1, PLATINUM PLUS);





## UNIQUE URL

 https://




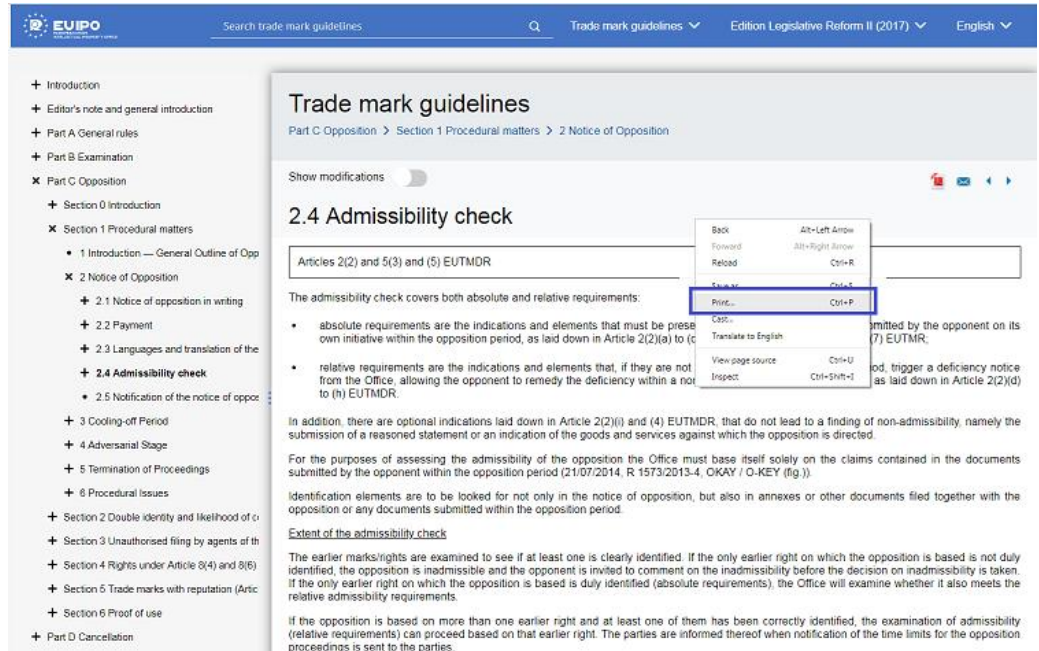
- After navigating to a topic, the URL can be copied from the browser bar and shared in order to refer to a specific part of the Guidelines.
- Pages will open in the language previously selected by the user with whom you share the link with (cookie behaviour).
- In case a new edition of the Guidelines or a fast-track is published, previously shared URLs will continue to point to the original edition in force at the time the link was shared.
- With the publication of a new edition of the Guidelines or the application of a fast-track change, new URLs will be generated.
- If an URL is invalid, navigation will redirect to the Introduction page of the Guidelines.

## PDFs

- PDF versions of the Guidelines can be accessed by clicking on the PDF icon:    
- Currently, this will redirect you to a dedicated [PDFs page](#) where you can find the PDFs, the same way you consulted them prior to the EUIPO Guidelines in HTML format.
- In the future, automatically generated PDFs can be opened, saved and shared by clicking on the same PDF icon from the EUIPO Guidelines in HTML format, on the following levels:
  - the entire Trade mark Guidelines publication,
  - the entire Design Guidelines publication,
  - an entire Part (Part A, Part B etc.),
  - an entire Section (Part A: Section 1 etc.).

## PRINT

- To print a page, depending on the browser, either:
  - right-mouse click in the body text field and select ‘Print...’, or;
  - press **CNTRL + P**, or;
  - select ‘Print...’ from the browser menu (usually indicated by  in the top right corner of the browser bar).



The screenshot shows the EUIPO website interface. The top navigation bar includes the EUIPO logo, a search bar, and links for 'Trade mark guidelines', 'Edition Legislative Reform II (2017)', and 'English'. The left sidebar contains a table of contents with sections like 'Introduction', 'Part A General rules', 'Part B Examination', and 'Part C Opposition'. The main content area is titled 'Trade mark guidelines' and '2.4 Admissibility check'. A browser context menu is open over the text 'Articles 2(2) and 5(3) and (5) EUTMDR', with the 'Print...' option highlighted. The page content includes a table of contents on the left, a search bar at the top, and the main text of the '2.4 Admissibility check' section.

**Trade mark guidelines**  
Part C Opposition > Section 1 Procedural matters > 2 Notice of Opposition

Show modifications

### 2.4 Admissibility check

Articles 2(2) and 5(3) and (5) EUTMDR

The admissibility check covers both absolute and relative requirements:

- absolute requirements are the indications and elements that must be presented by the applicant within the opposition period, as laid down in Article 2(2)(a) to (c) EUTMDR;
- relative requirements are the indications and elements that, if they are not presented by the applicant, allow the opponent to remedy the deficiency within a period of two months from the date of publication of the opposition, as laid down in Article 2(2)(d) EUTMDR.

In addition, there are optional indications laid down in Article 2(2)(i) and (4) EUTMDR, that do not lead to a finding of non-admissibility, namely the submission of a reasoned statement or an indication of the goods and services against which the opposition is directed.

For the purposes of assessing the admissibility of the opposition the Office must base itself solely on the claims contained in the documents submitted by the opponent within the opposition period (21/07/2014, R 1573/2013-4, OKAY / O-KEY (fig.)).

Identification elements are to be looked for not only in the notice of opposition, but also in annexes or other documents filed together with the opposition or any documents submitted within the opposition period.

[Extent of the admissibility check](#)

The earlier marks/rights are examined to see if at least one is clearly identified. If the only earlier right on which the opposition is based is not duly identified, the opposition is inadmissible and the opponent is invited to comment on the inadmissibility before the decision on inadmissibility is taken. If the only earlier right on which the opposition is based is duly identified (absolute requirements), the Office will examine whether it also meets the relative admissibility requirements.

If the opposition is based on more than one earlier right and at least one of them has been correctly identified, the examination of admissibility (relative requirements) can proceed based on that earlier right. The parties are informed thereof when notification of the time limits for the opposition proceedings is sent to the parties.

## REPOSITORY

- For previous editions of the Guidelines, you can consult the [Repository](#), accessible through the [Guidelines start page](#).
- Currently, the editions available are from 2014 until 2017, in PDF format.
- All previous editions are available in the 5 Office languages (DE, EN, ES, FR and IT).
- Only previous editions ‘1,2014’ and ‘2, 2014’ are also available in the following 23 official EU languages: BG, CS, DA, EL, ET, FI, HR, HU, LT, LV, MT, NL, PL, PT, RO, SK, SL and SV.



Guidelines repository

On this page you will find previous editions of the EUIPO's Guidelines.

Trade mark guidelines Design guidelines

Previous editions	Date of entry into force
1, 2017	01.02.2017
2, 2016	01.08.2016
Legal Reform	23.03.2016
1, 2016	01.02.2016
2, 2015	01.08.2015
1, 2015	01.02.2015
2, 2014	01.08.2014
1, 2014	01.02.2014
Before 2014	-

## FUTURE DEVELOPMENTS

- Several functionalities will become available to you at a later stage in the future.
- They include the ones mentioned in this document:
  - i. an advanced search functionality,
  - ii. links to case-law for all cases,
  - iii. improved PDFs,
  - iv. an extended version of the repository of old editions of the EUIPO Guidelines.
- But also, an advanced tracked changes functionality, enabling the EUIPO to visualise only (content) changes made to the Office practice.

## FEEDBACK

- We are very interested in getting your opinion about the new format of the Guidelines. If you have any feedback regarding the content, find a typo, or have a comment of any other nature related to the EUIPO Guidelines, please do not hesitate to contact us by:
- clicking on the envelope icon which is present throughout the EUIPO Guidelines in HTML format:







[www.euipo.europa.eu](http://www.euipo.europa.eu)



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Thank you