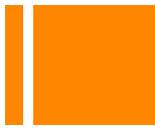


What is a Registrable Trademark in Russia

Marina Grineva
EUROMARKPAT

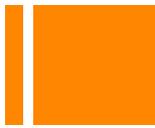
FICPI
Venice 2017

OVERVIEW



- Introduction
- Designations that can be registered
- Designation that cannot be registered
- Acquired distinctiveness
- Protection of non-traditional marks:
requirements, examples, problems of
enforcement

INTRODUCTION



- Article 1477 of the Russian Civil Code:
Trademark is a designation which individualizes the goods / services of legal entities or individual entrepreneurs
- Rospatent examines trademarks on both absolute and relative grounds

WHAT CAN BE REGISTERED

- Words, images, 3D and other designations or combinations thereof
- Other designations:
 - Color or combination of colors
 - Sound marks
 - Texture marks
 - Holograms
 - Motion marks
 - Smell marks
 - Taste marks
 - Position marks
- Trademark may be registered in any color or color combination

WHAT CAN BE REGISTERED

STATISTICS

577597 registered national trademarks

- **2532** - 3D marks
- **64** - Sound marks
- **No registrations of taste marks**

WHAT CANNOT BE REGISTERED

- Descriptive words or signs that lack distinctiveness
- Generic terms
- Single letters / digits or combination of consonants
- Designations which represent the form of goods which is determined exclusively by properties or functional purpose of the goods
- Deceptive names or signs

WHAT CANNOT BE REGISTERED

- Signs identical or similar to the symbols and names of the states, international and intergovernmental organizations
- Official control, guarantee marks or seals, awards and other marks of distinction
- Designations representing or containing elements which are protected in one of the state as designations identifying a wine or alcoholic beverages as originating from its territory

ACQUIRED DISTINCTIVENESS

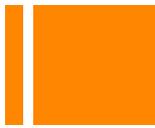
All trademarks must possess
distinctive character!

If not



prove acquired distinctiveness

ACQUIRED DISTINCTIVENESS



DOCUMENTS:

- Intensive use in Russia before application date (duration of use, shipping and customs documents, invoices, agreements)
- Annual sales
- Advertising costs, advertising materials
- Opinion polls (mark is known to the public and it is associated with the applicant and its goods)
- Statement of evidence from local distributors

EXAMPLES OF NON-TRADITIONAL MARKS COLOR MARKS



Single color can be registered only if it has acquired distinctiveness.

Requirements: color sample + indication of color code (Pantone, RAL, etc)

RU 310048 Pantone 226C

Priority date - 07.04.2004

Owner - Reckitt Benckiser, BX

Class 03

RU 561631 Pantone 300CV

Priority date - 29.10.2012

Owner - PAO "Gazprom", RU

Classes 01, 04, 35, 37, 39, 40, 42

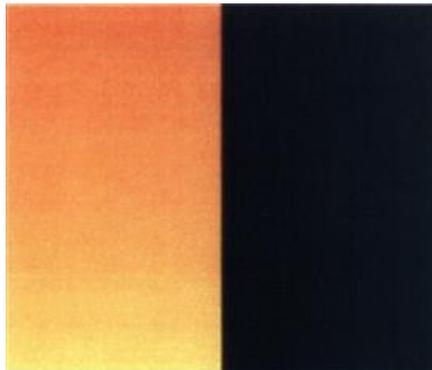


RU 310048 combination of colors

Priority date - 09.06.2008

Owner - OAO "Vypel-Communications",RU

Class 38



EXAMPLES OF NON-TRADITIONAL MARKS SOUND MARKS



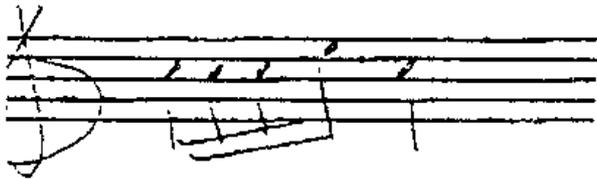
Requirements - written notes, an audio file or a phonogram

IR 729484

Priority date - 12.07.1999

Owner - Deutsche Telekom AG, DE

Classes 09, 16, 25, 28, 35, 36, 37, 38, 39, 41, 42



IR 1264210

Priority date - 04.08.2014

Owner - TUI AG, DE

Classes 09, 16, 35, 38, 39, 41, 43



RU 318691

Priority date – 28.09.2005

Owner – Intel Corporation, US

Class 09



EXAMPLES OF NON-TRADITIONAL MARKS POSITION MARKS



IR 695568 (Red strip located in the heel of a men's shoe)

Priority date - 23.04.1998

Owner - LLOYD Shoes GmbH, DE

Class 25 - Men's shoes

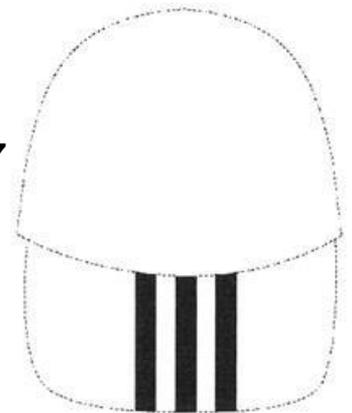


RU 369587

Priority date - 29.10.2007

Owner - Adidas AG, DE

Class 25 - Head gear



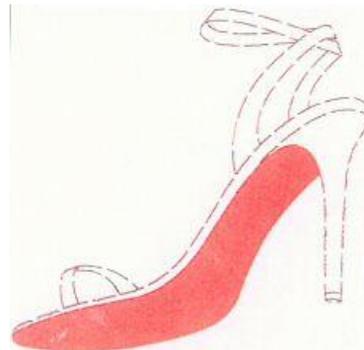
IR 1031242

(Color red (Pantone 18.1663TP) applied to the sole of a shoe)

Priority date - 03.02.2010

Owner - Christian LOUBOUTIN, FR

Class 25 - Ladies footwear



EXAMPLES OF NON-TRADITIONAL MARKS MOTION MARKS

Requirements: video record on a digital media or
printed reproduction of several frame-by-frame images

RU 437590

Priority date - 21.05.2010

Owner - The Procter & Gamble Company, US
Class 03



RU 442442

Priority date - 15.02.2010

Owner - The Procter & Gamble Company, US
Class 03



EXAMPLES OF NON-TRADITIONAL MARKS HOLOGRAMS

Holograms have very similar requirements
to their graphical representation as motion marks

RU 180965

Priority date - 30.01.1998

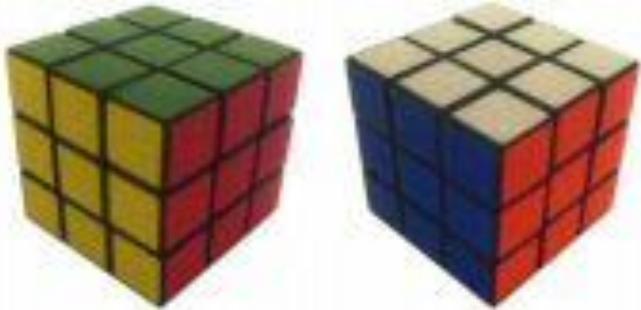
Owner - GlaxoSmithKline Consumer Healthcare, GB

Classes - 03, 10, 21



EXAMPLES OF NON-TRADITIONAL MARKS 3D MARKS

Registration of 3D marks is a common practice in Russia.



EXAMPLES OF NON-TRADITIONAL MARKS 3D MARKS



EXAMPLES OF NON-TRADITIONAL MARKS

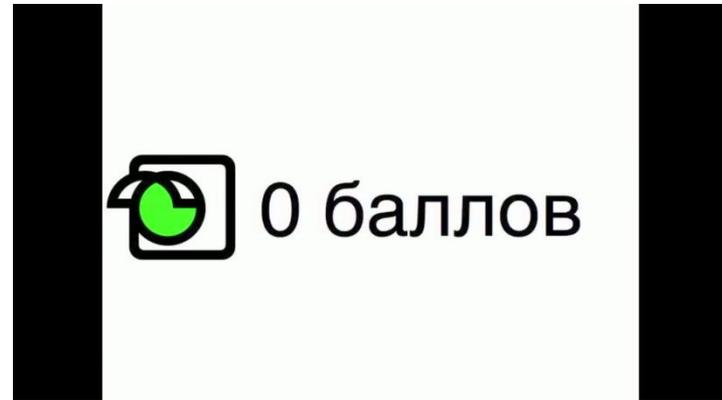
CHANGING MARK

RU 526621

Priority date – 06.06.2013

Owner – Yandex, RU

Classes – 09, 35, 38, 39, 41,42



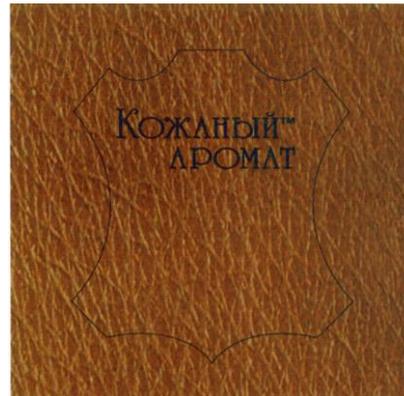
SMELL MARK

RU 470375

Priority date – 28.07.2011

Owner – Private person, RU

Class -41



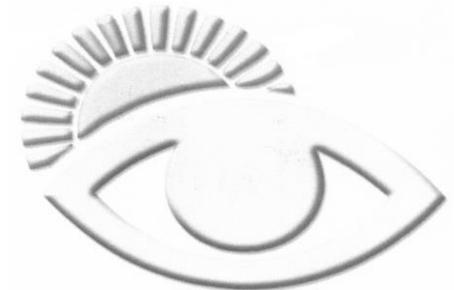
TEXTURE MARK

RU 462927

Priority date – 19.07.2011

Owner – Fund of assistance for blind and visually impaired persons, RU

Class - 45



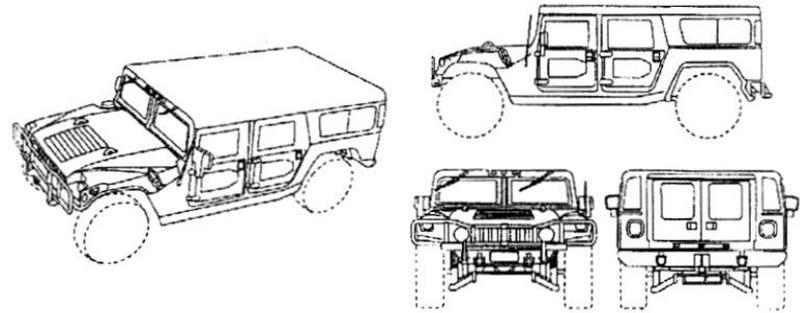
CURRENT PRACTICE

NOT REGISTERED

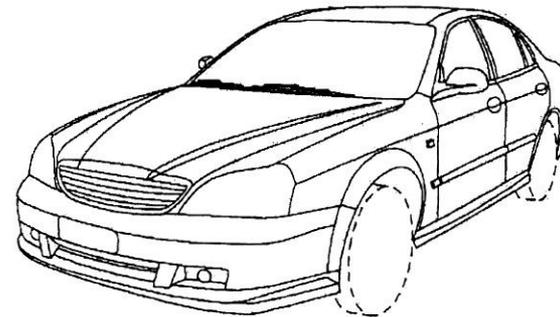


RU 2014730728

REGISTERED



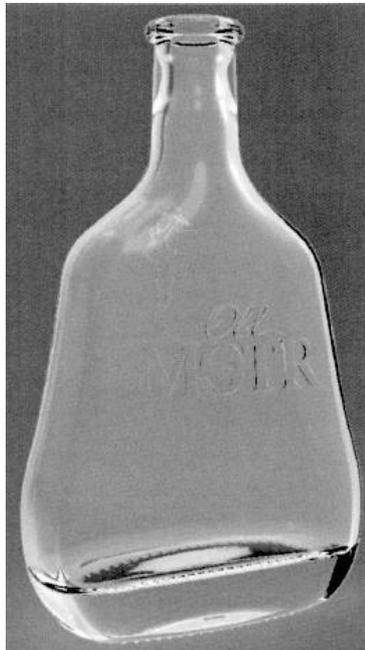
RU 302679



RU 304491

CURRENT PRACTICE

NOT REGISTERED



RU 2013737742

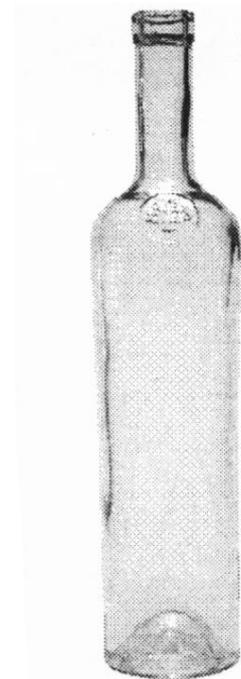
REGISTERED



RU 433401



RU 443230



RU 429760

CURRENT PRACTICE

NOT REGISTERED



IR 1170653



IR 1170654



IR 172336

REGISTERED



IR 658667



RU 317939



RU 317940

**Thank you
for your attention !**

**Marina Grineva
Patent Attorney**

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