



How to Guide on ASEAN TMview

1. Overview: Trade marks in South-East Asia

A trade mark is a sign used by a person or a company in the course of business or trade to distinguish its goods or services from those of other traders. The sign can be any graphical representation - letters, words, numerals, device, name, brand, label, aspect of packaging, shape, colour, sound, or a combination of these elements that serve as a source identifier.

Trade marks allows the public to distinguish your goods and services from those of your competitors. It gives you an advantage in building an identity for your business. It likewise serves as an indication of quality, such that customers who have attained a positive experience in relation to your product will continue to purchase goods bearing the same trade marks from your company based on the expectation that same quality can be expected from these products.

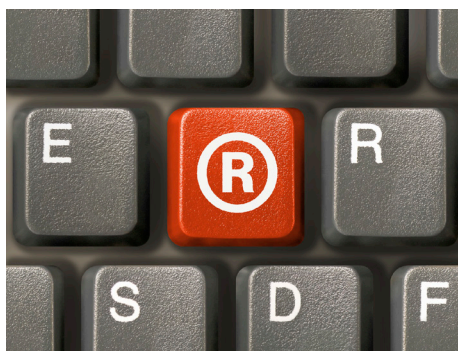
A trade mark is also helpful in strengthening your position in terms of obtaining financing from investors. It is often expected that trade marks are helpful in improving market position. Trade mark registration, in particular, enables you to maximize product differentiation, advertising and marketing, thus enhancing recognition of your product or service in international markets and establishing a direct link with local consumers.

Trade mark regimes in the South-East Asian region generally adopt the 'first-to-file' system, which means that the first

person to file a trade mark application in a particular South-East Asia country will own that right in the country once the registration is granted. Thus, if you do not apply for protection on time, others may do so first and benefit from the trade mark creator's investments and reputation.

In light of the above system, trade mark prior searches are very useful for you to determine whether your trade mark is still available for registration in the market(s) of your interest and to discover similar trade marks which may conflict with your intended trade marks in advance, before starting the application process.

For more information about trade marks in South-East Asia, please refer to our Guide to Trade Mark Protection in South-East Asia at <http://www.southeastasia-iprhelpdesk.eu/en/helpdesk-guides>.



Trade marks allows the public to distinguish your goods and services from those of your competitors. It gives you an advantage in building an identity for your business.

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For free, confidential, business-focused IPR advice within three working days E-mail: question@southeastasia-iprhelpdesk.eu

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2. What is ASEAN TMview?

ASEAN TMview (<http://www.asean-tmview.org>) is a searchable online database of trade mark registrations and trade mark applications filed in participating ASEAN countries, namely, Brunei Darussalam (BN), Indonesia (ID), Cambodia (KH), Lao PDR (LA), Malaysia (MY), Philippines (PH), Singapore (SG), Thailand (TH), and Vietnam (VN). Please note that there is currently no Trade Mark Law in Myanmar (MM) and consequently no records are available in ASEAN TMview for Myanmar.

ASEAN TMview is free of charge and accessible by anyone who wants to conduct trade mark searches. It is jointly developed by the Intellectual Property Offices of the ASEAN Member States, with the support of the EU-ASEAN Project on the Protection of Intellectual Property Rights (ECAP III Phase II) administered by the European Union Intellectual Property Office (EUIPO).

3. When do you need to use ASEAN TMview?

EU SMEs are advised to conduct trade mark searches, either directly through ASEAN TMview, online trade mark databases of individual South-East Asia countries, or with assistance from specialised IP firms, to ensure that their proposed mark is not already in use by third parties before entering the South-East Asian market. If search results reveal the presence of conflicting marks, the EU SMEs will have the opportunity to amend or make adjustments to the proposed mark to avoid objections to the trade mark application during examination as well as possible infringement of the earlier conflicting marks.

EU SMEs that wish to perform due diligence checks during

mergers and acquisitions can also benefit from accessing the trade mark records of the ASEAN TMview and verifying critical information of marks of interest such as trade mark expiration date, list of goods and services and owner details through the database.

4. How to use ASEAN TMview - Step by Step Process

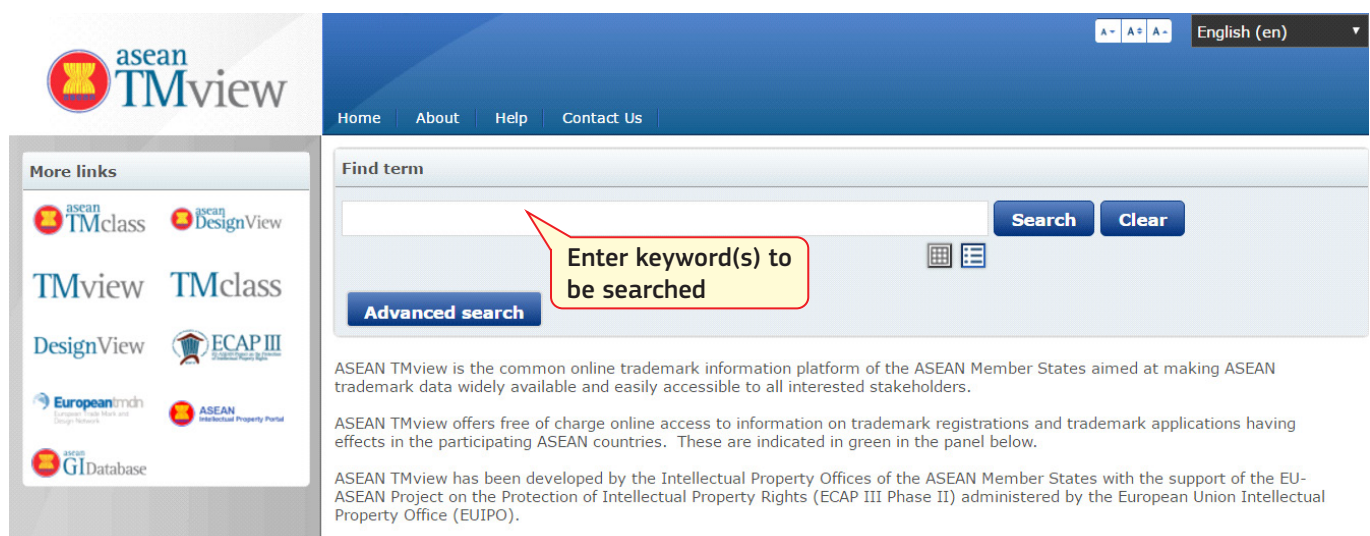
Before using ASEAN TMview, please note that the frequency of updating the records for participating ASEAN countries may vary from different intellectual property offices under their own responsibility. For example, trade mark records from the Philippines are updated daily and those from Brunei Darussalam, Cambodia and Singapore are updated weekly on ASEAN TMview, while records from Indonesia, Lao PDR, Malaysia, Thailand and Vietnam might less frequently updated. Generally, search results obtained from ASEAN TMview should be regarded as indicative and not taken to be conclusive, particularly for Indonesia, Lao PDR, Malaysia, Thailand and Vietnam.

To begin, the ASEAN TMview provides three different search options:

- Standard Search option;
- Filter Search option; and
- Advanced Search option.

a. Standard Search

The Standard Search function is located on the top section of the Home page of ASEAN TMview. Under the standard search function, all trade marks containing the keyword(s) entered in the search field will be retrieved. The search field is not case sensitive.



The screenshot displays the ASEAN TMview homepage. At the top, there is a navigation bar with links for Home, About, Help, and Contact Us. Below this, a search bar is prominently featured with a placeholder text "Find term" and a callout box stating "Enter keyword(s) to be searched". To the right of the search bar are buttons for "Search" and "Clear". Below the search bar, there is an "Advanced search" button. On the left side of the page, there is a "More links" section with various icons and text links including "asean TMclass", "asean DesignView", "TMview", "TMclass", "DesignView", "ECAP III", "European IP", "ASEAN Intellectual Property Portal", and "ASEAN GI Database". At the bottom of the page, there is a footer section with text describing the platform as the common online trademark information platform of the ASEAN Member States, aimed at making ASEAN trademark data widely available and easily accessible to all interested stakeholders. It also mentions that ASEAN TMview offers free of charge online access to information on trademark registrations and trademark applications having effects in the participating ASEAN countries, and that it has been developed by the Intellectual Property Offices of the ASEAN Member States with the support of the EU-ASEAN Project on the Protection of Intellectual Property Rights (ECAP III Phase II) administered by the European Union Intellectual Property Office (EUIPO).

EXAMPLE

A search for trade marks containing the word “euro” returns the following results:

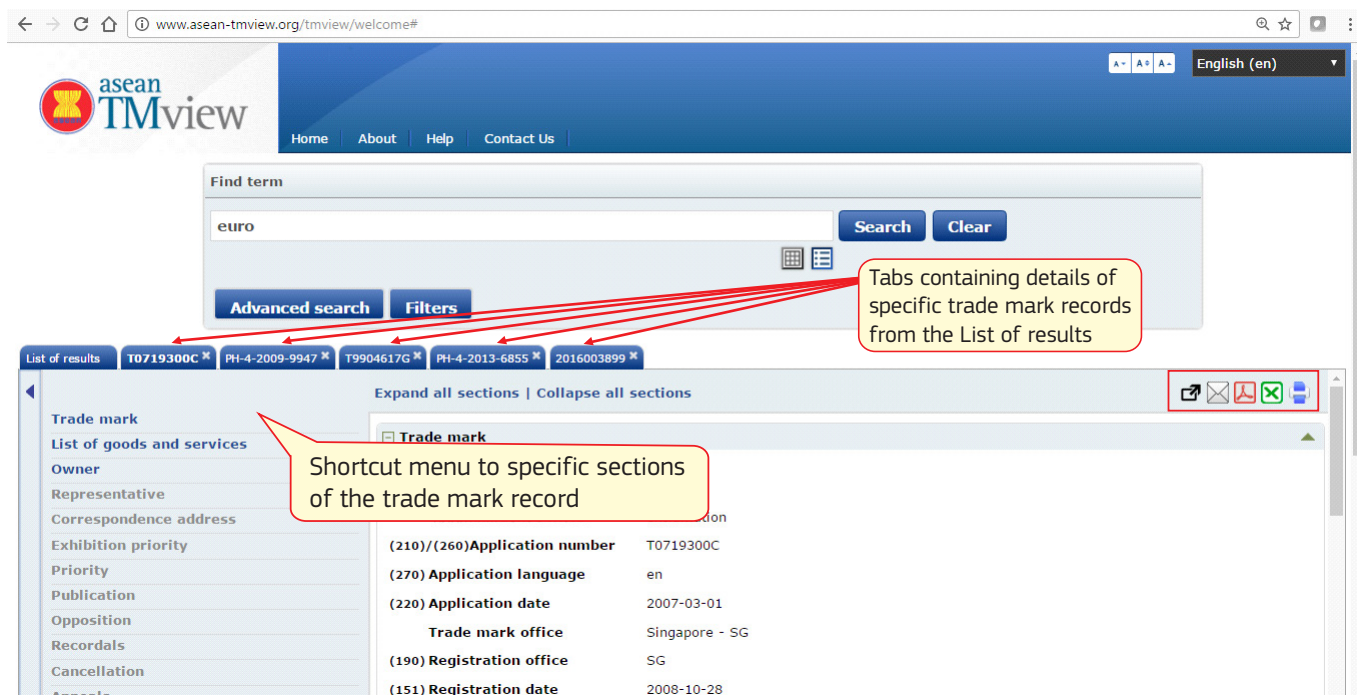
The screenshot shows the ASEAN TMview search results page. The search term "euro" is entered in the search bar. The "List of results" tab is selected. The search results are displayed in a table with the following columns: Graphic representation, Trade mark name, Trade mark office, Application number, Trade mark status, Nice class, Applicant name, Application date, Trade mark type, and Registration date. The table shows several results, including "aaahhh!!! euro's taste" and "ALFM EURO BOND FUND & LOGO". A callout points to the "List of results" tab, another points to the "Click to display results in Gallery mode" button, and a third points to the "Total number of trade mark records containing 'euro'" column.

The **List of results** tab displays the specific records that match your current search. Records are displayed by default in **List mode**.

To modify the number of columns appearing on the **List of results** tab, click on the **View/Hide columns** button located at the bottom left of the **List of results** tab, check against the columns that are required and click “OK”.

The screenshot shows the "Select columns" dialog box in the ASEAN TMview application. The dialog box has a title bar "Select columns" and a close button. It contains a list of columns with checkboxes next to them. The columns are: Graphic representation (checked), Trade mark name (checked), Trade mark office (checked), Application number / Registration number (checked), Trade mark status (checked), Nice class (checked), Applicant name (checked), Application date (checked), Trade mark type (checked), Vienna code (unchecked), Opposition period (unchecked), Opposition deadline (unchecked), and Registration date (checked). There are "Ok" and "Cancel" buttons at the bottom right of the dialog box.

Full details relating to individual trade marks will be displayed in separate tabs on the same screen by clicking on the relevant **Trade mark name** or **Application number/Registration number** in the list of results as shown below.



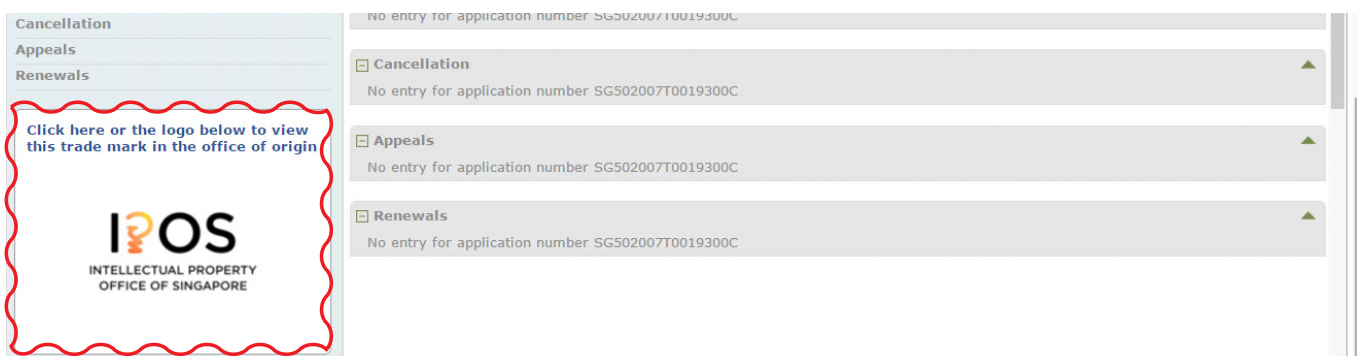
You may open a maximum of five tabs relating to specific trade mark records from the **List of results**. Each tab is named in accordance with the selected trademark application number and contains data organised according to the short cut menu bar located on the left of the page.

General information relating to the specific trade mark record is available under the **Trade mark** section, including application number, application language, application date, registration office, registration number, expiry date, Nice classification*, Vienna classification* and current trade mark status.


The rest of the sections are designed as self-explanatory. For example, the next section, **List of goods and services** includes details of all the goods and services covered by the trade mark, whereas details relating to the trade mark owner can be accessed from the **Owner** section.



The small icons on the top right section of the specific trade mark records tab allows you to open the records as a new page, email a specific trade mark record as a link, download the specific record in PDF or in MS Excel format or print the record.

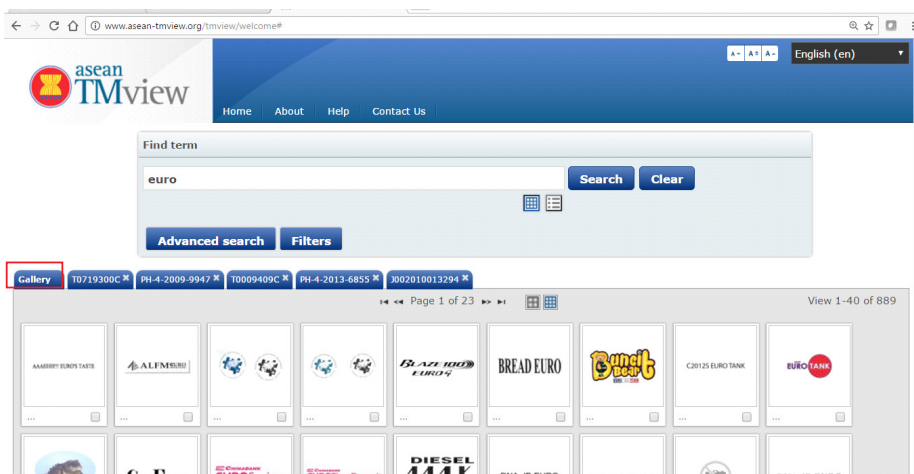
If you wish to view the trade mark record directly from its office of origin, you may do so by clicking on the link immediately below the shortcut menu. In this example, the trade mark was filed with the Intellectual Property Office of Singapore (“IPOS”), hence the logo of IPOS appears as part of the link.



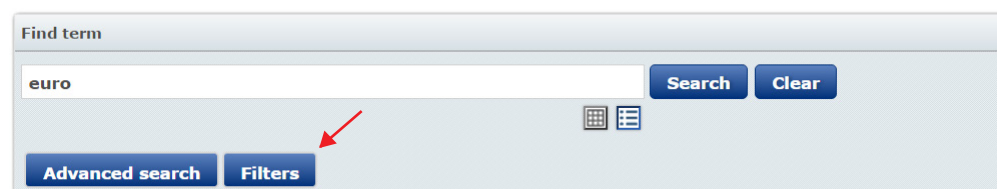
Gallery mode

By clicking on the **Gallery mode** icon  located beneath the search field, the search results will be displayed as a gallery of trade mark images at forty images per page.

- To reduce the number of results to ten trade mark images per page, click on the  icon.
- To return to the list display format, click on the **List mode**  icon.



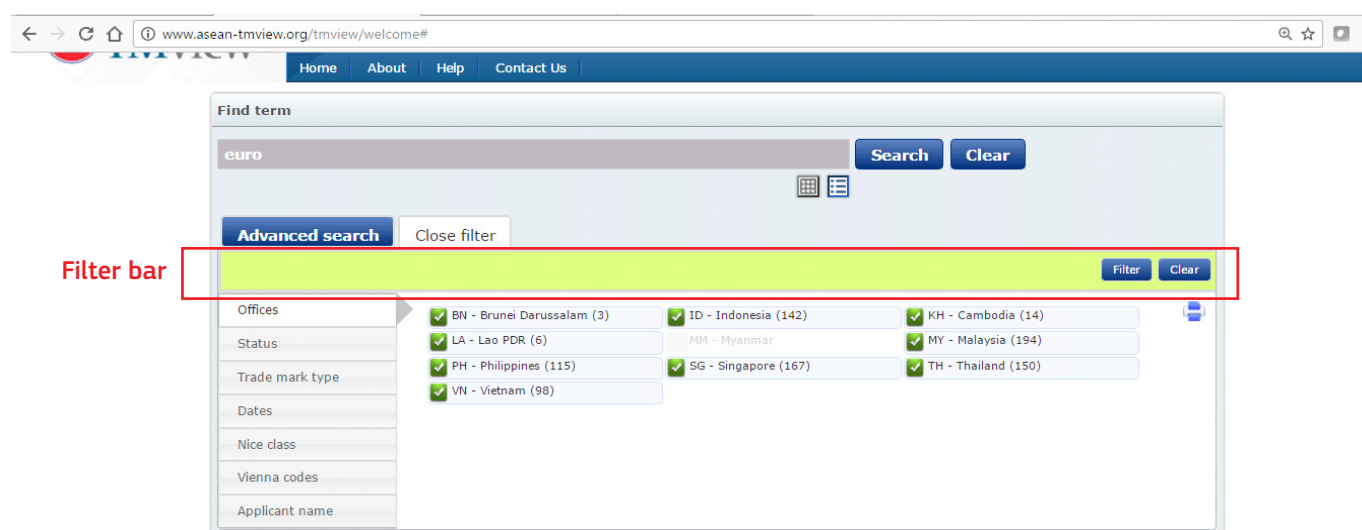
b. Filter Search



When you perform a standard search, a **Filters** button is displayed below the search bar. By clicking on this button, a filter selection section appears showing information about the records that match your

current search, allowing you to narrow your search to only particular categories without entering additional search terms.

Each tab on the left hand side of the Filter selection section divides the matching records into categories and lists the number of records in your search matching each category. You can use this purely for information, or use it to refine your search.



As seen from the screenshot above, you can refine your search for each of the categories listed below (refined search is recommended):

Offices	If you would like to limit your search to one or several ASEAN Trademark office(s) as listed in the table displayed in the Filter area, click on the label(s) of your interest and then on the Filter button on the right of the filter bar.
Status	If you would like to limit your search to one or several statuses listed in the table displayed in the Filter area, click on the label(s) of your interest and then on the Filter button on the right of the filter bar.
Trademark type	If you would like to limit your search to one or several trade mark types as listed in the table displayed in the Filter area, click on the label(s) of your interest and then on the Filter button on the right of the filter bar.
Dates	<p>If you would like to limit your search to a registration/application period of time from those proposed in the table displayed in the Filter area, click on the period(s) of your interest and then on the Filter button on the right of the filter bar.</p> <p>To display in the list of results only those trademarks currently opposable, clicking on the checkbox located at the bottom left side of the screen.</p>
Nice class	The filter area shows you a list of the forty-five Nice classes with the number of associated records returned for your search. If you would like to limit your search to one or several Nice classes, click on them and then on the Filter button on the right of the filter bar.
Vienna codes	The filter area shows you a list of up to forty Vienna codes with the number of associated records returned for your search. If you would like to limit your search to one or several Vienna codes, click on them and then on the Filter button on the right of the filter bar.
Applicant name	The filter area shows up to twenty applicants with the highest number of associated records for your search. If you would like to limit your search to one or several applicants only, click on his/her name(s) and then on the Filter button on the right of the filter bar.



EXAMPLE:

A search for trade marks with the word “euro” and further filtering the search results by selecting only marks that have been Registered in Vietnam returned fourteen relevant records.

Find term

euro

Search Clear

Advanced search Close filter

sc:Registered oc:VN ty:Figurative

List of filters applied

Filter Clear

Offices

Status

Trade mark type

Dates

Nice class

Vienna codes

Applicant name

BN - Brunei Darussalam (0)

LA - Lao PDR (0)

PH - Philippines (0)

VN - Vietnam (14)

ID - Indonesia (0)

MM - Myanmar

SG - Singapore (0)

KH - Cambodia (0)

MY - Malaysia (0)

TH - Thailand (0)

List of results

Page 1 of 2

Graphic representation	Trade mark name	Trade mark	Application number	Trade mark status	Nice class	Applicant name	Application date	Trade mark type	Regis
	euro travellers cheque	VN	WO488135 488135	Registered	36	MASTERCARD EUROPE, SPRL	25-02-1982	Figurative	25-02-1982
	EURO 2012 UEFA POLAND-UKRAINE	VN	WO1051295 1051295	Registered	1,3,4,5,6,7,8,9,10,11,12,14,15...	Union des Associations EuropÃ©ennes...	05-01-2010	Figurative	05-01-2010

The filters that have been applied will be displayed in filter bar. You can remove one or more of these filters by clicking on the “x” appearing next to each filter. To remove all the filters at once, click on the **Clear** button on the right of the filter bar.

You may print it out all the records regarding your filter criteria by clicking on the printer icon beneath the filter bar.

c. Advanced Search

The Advanced Search feature provides eleven different search criteria which can be used separately or in combination, as shown below:

Find term

eurocham

Search Clear

Close advanced search Filters

Trade mark offices

Trade mark name

Application / registration number

Trade mark type

Trade mark status

Applicant name

Nice class

Vienna code

Opposition


Application date

Registration date

Sort results by

Order results

Search Clear

Trade mark offices	Limit the search to one or more trade mark offices by ticking off the corresponding check boxes in the drop down window.
Trade mark name	<p>ASEAN TMview will search and retrieve all marks where the entered string appears as a separate word. If more than one word is entered, ASEAN TMview will retrieve all marks where each entered string appears as a separate word in the same trade mark name.</p> <p>Additional options : <i>Fuzzy search:</i> Check this box to search for trade marks with similar names (similar in spelling) and select the percentage (%) of similarity that is desired in the results against the text that you are searching.</p> <p>To help you recognise that a fuzzy search is being carried out, a message in red indicating “*TM Name fuzzy search” will appear under the standard search field.</p>
Phrase Search	Check this box to retrieve trade marks that include the exact string entered (trade mark name and respective order). This option only works when the trade mark contains more than one word. If only one word is entered, the search will return the same list of results as a normal search.
Trade mark reference number	Searches for a specific trade mark based on its application or registration number.
Trade mark type	By default all trade mark types are searched. It is possible to restrict the search by selecting the relevant trade mark types: 3D, Colour, Combined, Figurative, Stylised characters, Undefined and Word.
Trade mark status	By default all trade mark status are searched. To restrict the search by one or a number of particular trade mark statuses, click on the search field and select the relevant status(es).
Applicant name	<p>ASEAN TMview will search and retrieve all marks where the entered string matches in the applicant name. If more than one term is entered, ASEAN TMview will retrieve all marks where each entered string appears in the applicant name.</p> <p>Click the Fuzzy search checkbox to search for applicant names that are similar in spelling.</p>
Nice class*	<p>Search for one or more classes by indicating the numerical codes separated by commas, e.g. 1,14,20,21,22,23,24,25,42.</p> <p>When searching a series of successive classes, you may alternatively enter the first and last numerical code with two dots between them, e.g., the above set of classes may be entered as 1,14, 20..25,42.</p> <p>For help identifying the relevant classes, click the  icon to the right of the search field. An interactive selector feature appears, allowing you to search the Nice classes by typing in directly the goods and services related to the marks, as well as displays the class headings of each class for you to choose the class numbers directly.</p> <p>CAUTION: please be aware that the Nice class cannot be used alone as a search criterion. It has to be combined with at least one more search criterion.</p>
Vienna code*	<p>Vienna class contains numerical codes that describe the visual appearance of the image associated to each record, if applicable. You can search for Vienna classifications by entering the desired Vienna code in the search field using the format 00.00.00</p> <p>It is not possible to search by Vienna code using the main category alone, e.g., 01. A search specifying the second level, e.g., 01.01, will retrieve all marks belonging to the particular subcategory. Entering the entire code, e.g., 01.01.12, will find marks classified in this subcategory only.</p> <p>CAUTION: Please be aware that the Vienna code cannot be used alone as a search criterion. It has to be combined with at least one more criterion.</p>

Opposition	<p>By checking the box in this field, you will search only for trade marks that currently are in the opposition period. Please note that the duration of the opposition period differs from one office to another. The search will provide trademarks which are opposable according to the trade mark offices' different opposition periods.</p> <p>CAUTION: Please note ASEAN TMview uses the international Gregorian calendar. Not all the Offices provide information on opposition.</p>
Application date	<p>To find trade marks applied for within a particular period, type the dates of such period using the 'DD-MM-YYYY' format. If you only fill in the From field, the search will retrieve marks with an application date on and after the entered date. If you only fill in the To field, the search will retrieve marks with an application date on or before the entered date.</p> <p>CAUTION: Please note ASEAN TMview uses the international Gregorian calendar.</p>
Registration date	<p>To find trade marks registered within a particular period, type the dates of such period using the 'DD-MM-YYYY' format. If you only fill in the From field, the search will retrieve marks with a registration date on and after the entered date. If you only fill in the To field, the search will retrieve marks with a registration date on or before the entered date.</p> <p>CAUTION: Please note ASEAN TMview uses the international Gregorian calendar with 'DD-MM-YYYY' format.</p>

The final two selections allow you to sort the results by selecting the desired field from the drop down menu and order the results either in ascending or descending order.



EXAMPLE:

A search for trade marks containing the word “euro” and further specifying only **Word** marks **Registered** in **Vietnam** for Nice classes between one to fifteen returned nineteen relevant records.

Graphic representation	Trade mark name	Trade ma...	Application num...	Trade mark status	Nice class	Applicant name	Application date	Trade mark type	Registra
	CasEuro Cas Euro	VN	4-2007-26114 4-0125718-000	Registered	12	Công ty cổ phần công nghiệp cao su ...	20-12-2007	Word	26-05-200
	DNA dB EURO	VN	4-2002-03802 4-0049574-000	Registered	12	THE YOKOHAMA RUBBER CO., LTD.	27-06-2002	Word	20-06-200
	EURO - CEE	VN	4-2009-20934 4-0157739-000	Registered	5	LLOYD LABORATORIES INC.	30-09-2009	Word	10-02-201
	EURO - ISIS	VN	WO634427 634427	Registered	1,3,5,10,41,42	Actavis Deutschland GmbH & Co. KG	14-11-1994	Word	14-11-199
	EURO 2016	VN	WO1063100 1063100	Registered	1,3,4,5,6,7,8,9,10,11,12,14,16...	Union des Associations Européennes...	30-06-2010	Word	30-06-201
	Euro Life	VN	4-2001-03945 4-0043647-000	Registered	9	Công ty trách nhiệm hữu hạn thương...	29-08-2001	Word	07-10-200
	EURO PRAZOL	VN	4-2005-08773 4-0100114-000	Registered	5	Công ty Cổ phần Dược phẩm VINAM...	15-07-2005	Word	23-04-200
	EURO STOXX	VN	WO699180 699180	Registered	9,16,35,36,38,41,42	Stoxx AG (Stoxx SA) (Stoxx Limited)	02-04-1998	Word	02-04-199
	EURO STOXX 50	VN	WO702730 702730	Registered	9,16,35,36,38,41,42	Stoxx AG	29-07-1998	Word	29-07-199
	EURO-FRADIN	VN	4-2006-20592 4-0098335-000	Registered	5	Công ty Cổ phần dược phẩm Hà Tây	24-11-2006	Word	26-03-200

5. What to do next?

i) If the trade mark you intend to register is not in the ASEAN TMview database

It is indicative that no earlier conflicting marks may be cited against your mark as you proceed to file your trade mark application and therefore the trade mark is available for registration. However, please always consider that determining whether earlier marks are similar to your mark largely depends upon local law and practice, as well as the subjective opinion of the trade mark examiner. It is therefore advisable to seek advice of trade mark lawyers or agents who have experience with local practice in the country of your interest.

You should likewise be prepared to defend your mark, in case other objections are raised against your trade mark application, for example, objections to specifications, or objections based on non-distinctiveness.

The cost, procedure and time frame from filing to registration of a trade mark varies amongst the ASEAN offices and hence it would be advisable to engage an IP professional who is familiar with the trade mark practice in the respective jurisdiction to provide you with necessary assistance to secure a smooth registration of your trade mark.

If your business is expanding in other countries simultaneously, you may want to consider filing a single

international application via Madrid Protocol in the IP Office of a country that is a member of the agreement. Currently, Cambodia, Lao PDR, Philippines, Singapore and Vietnam are the ASEAN countries that are members of the Madrid Protocol.

As result of the trade mark search, it is recommended to proceed with your trade mark registration as early as possible.

ii) If the trade mark you intend to register exists in the ASEAN TMview database

You may wish to conduct an independent investigation about the circumstances involving the third party that had registered your trade mark. It will be more prudent to engage a local law firm and/or anyone who can investigate from the respective jurisdictions, in order to gather more commercial intelligence. These IP professionals can likewise assist you in coming up with a strategy that would be more appropriate for your business moving forward. It is possible to negotiate with the third party for the licensing or assignment of the trade mark. If grounds exist, you may file an action to invalidate/revoke/cancel the trade mark and register your mark after successful invalidation/revoking/cancellation.

Alternatively, you can choose to go 'back to the drawing board' and come up with some adjustments and changes to your mark in order to distinguish it from existing marks that are identical or similar to yours. In this respect, consulting with trade mark agents or lawyers can also be valuable to

understand the perspective of the trade mark examiners in the country of your interest. Once you are able to come up with a 'renewed' logo, thereafter, it is recommended to conduct again a fresh trade mark search so you can ensure that it will be available for use.

6. Take-away messages

Although not mandatory, it is highly advisable to conduct a preliminary trade mark clearance search. It will prove to be more cost efficient later on and will provide you with concrete information on what is available in the country of your interest.

It would be also prudent to conduct confirmatory additional searches directly with the respective national trade mark offices, as the data of ASEAN TMview might not be regularly updated in some countries.

7. Glossary of terms

Guidelines on Wildcards – What does it mean?

Wildcards can be used when searching for trade mark names or applicant names in the standard search, and the advanced search and/or application /registration number in the advanced search.

<term>* -- allows you to match single or multiple characters within words. The '*' wildcard will match either 0 or multiple letters in your term, e.g., trade will match 'trade', 'trades', 'trader', etc. you can use wildcards at the beginning, in the middle or at the end of your term. e.g.*trade or tr*de or trad*.

<term>? -- allows you to match any single character within a word. e.g. b?ll will match 'ball', 'bell' and 'bill'. Note that you can use wildcards at the beginning, in the middle or at the end of your term.

8. Related links and additional information

- Visit ASEAN TMview – www.asean-tmview.org
- Visit our Guide to Trade marks Protection in South-East Asia – www.southeastasia-iprhelpdesk.eu/en/helpdesk-guides.
- Visit the country factsheets of South-East Asia countries – www.southeastasia-iprhelpdesk.eu/en/country-factsheets
- Visit other publications at South-East Asia IPR SME Helpdesk website – www.ipr-hub.eu
- Visit the Helpdesk blog www.yourIPinsider.eu for related articles on IP in South-East Asia and China



ASEAN TMview is the common online trademark information platform of the ASEAN Member States aimed at making ASEAN trademark data widely available and easily accessible to all interested stakeholders. ASEAN TMview offers free of charge online access to information on trademark registrations and trademark applications in the participating ASEAN countries.

ASEAN TMview is an online tool to consult on publicly available data on trademarks. It does not constitute an official trade mark register, and is of a purely informative nature.

ASEAN TMview was developed by the Intellectual Property Offices of the ASEAN Member States with the support of the EU-ASEAN Project on the Protection of Intellectual Property Rights (ECAP III Phase II) administered by the European Union Intellectual Property Office (EUIPO).

The South-East Asia IPR SME Helpdesk provides free, confidential, business-focused advice to European Small and Medium Enterprises (SMEs) relating to Intellectual Property Rights (IPR) in South-East Asia.

Helpdesk Enquiry Service: Submit further questions to the Helpdesk via phone, email (question@southeastasia-iprhelpdesk.eu) or in person and receive free and confidential first-line advice within three working days from a South-East Asia IP expert.

Training: The Helpdesk arranges training on South-East Asia IPR protection and enforcement across Europe and South-East Asia, tailored to the needs of SMEs.

Materials: Helpdesk business-focused guides and training materials on South-East Asia IPR issues are all downloadable from the online portal.

Online Services: Our multi-lingual online portal (www.ipr-hub.eu) provides easy access to Helpdesk guides, case studies, E-learning modules, event information and webinars.

For more information please contact the Helpdesk:

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