European
IPR Helpdesk

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The European IPR Helpdesk

Your Guide to
Trade Mark and Design Searches

The purpose of this guide is to provide you with the basics of trade mark and design searches performed through the most commonly used free-of-charge online databases.

The guide is making no claim to be exhaustive and is not an official document of the European Commission. It is provided as a service of the European IPR Helpdesk.

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Introducing IP searches

Beyond its most common use for anteriority searches, intellectual property (IP) searches are invaluable tools to collect and analyse data, as they can be utilised for gathering competitive information. Indeed, when studied it thoroughly, the information acquired through such searches may provide key facts for companies about their business environments, and make them develop a more rational business approach against their competitors.

Hence, conducting IP searches not only confers a rough estimate about the possible chances of the registrability of an IP right. Among others, it also helps in following the latest developments in the market or foreseeing and avoiding possible infringement issues that might be faced when doing business.

Anteriority searches made by the applicants or third parties are not binding on the final decision on the grant or registrability of IP assets. The official evaluation on grant or registrability is made by the IP offices during the prosecution of the application according to the results of the official searches and/or evaluation made by the examiners.

Trade mark and design searches

Trade mark and design searches are two of the most common IP searches conducted. Both IP titles are keys for unlocking the doors of success, since trade marks and designs are directly linked to "branding" and "aesthetical appearance" of the product or service they relate to, which constitutes the client-product or service loyalty.

Therefore, utmost importance should be given to brand selection and design implementation – hence trade mark and design searches. However, because of the multi-faceted structure of the IP business (e.g. market intelligence for trade marks, aesthetical and creative thinking for designs and knowledge of IP law for all), like for other IP rights, trade mark and design searching requires vast expertise, so in-depth searches should be performed by professionals to have more extensive and accurate results.

This guide addresses some fundamentals about IP searches for trade marks and designs to help the beginner in developing basic IP searching skills, introduces the most common, free-of-charge search tools, and provides some handy tips for developing a trade mark and design searching strategy through different examples. Nevertheless, it is strongly recommended to consult an IP professional for conducting any type of IP searches more precisely[1].

[1] *The European IPR Helpdesk's publication "10 steps to find a suitable IP professional" provides guidance on the steps to be followed to find a suitable IP professional.*

1. Trade mark searching

1.1. Why perform trade mark searches?

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 trade mark owner has the exclusive rights to use the trade mark in relation to goods and services. Therefore, before filing for a new trade mark application, 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 to which the new trade mark applies.

Conducting trade mark searches provides very useful data on possible earlier similar trade mark applications in order to demonstrate the chances of registrability of a new trade mark, which is also very central in avoiding unnecessary registration costs. On the other hand, it also offers significant information about the competitors, the market itself and potential infringement cases.

Trade mark databases are one of the most important indicators about the market trends to better understand consumers' current interests and preferences. For example, the increasing trend of organic (bio-) trade marks and the growing number of applications for natural substances in food and food-related classes confirms the rising interest in organic (bio-) products.

Without any doubt, trade mark searches help identify possible infringing trade marks (i.e. if there are identical or similar ones, which may infringe any prior rights e.g. gained through use).

When performed regularly, such searches even give right holders an opportunity to detect identical or similar applications in time to file an opposition against their registration, where applicable.

Besides, trade mark searches may help anticipate the launch of new products or services by a company. Indeed, companies may want to register their brands for new products or services, before they are put on the market.

1.2. What to consider when searching trade marks?

Independently from the database used, there are different routes to follow when conducting trade mark searches depending on the aim of the search:

a. When looking for trade marks filed by companies, the company (applicant) name is the main keyword to be searched. However, if the trade mark owner has a large trade mark portfolio, it would be helpful to refine the search by using classification codes.

b. When performing anteriority searches, the initial step should be by using the classification codes.

As trade marks are registered in relation with goods and services for which the trade mark is used, the applicant has to provide a list of classes related to the goods and services for which it intends to use the trade mark, when filing the trade mark application. Therefore, prior to performing a trade mark search, it is key to define the classes to be searched.

The Nice Agreement establishes an international classification of goods and services for the purposes of trade mark registration called the Nice Classification. It provides information about the types of goods (classes 1 to 34) and services (classes 35 to 45) belonging to each class. Within the EU, since all countries follow this classification system, applicants can conduct searches based on these classes for national and European Union trade marks (EUTM).

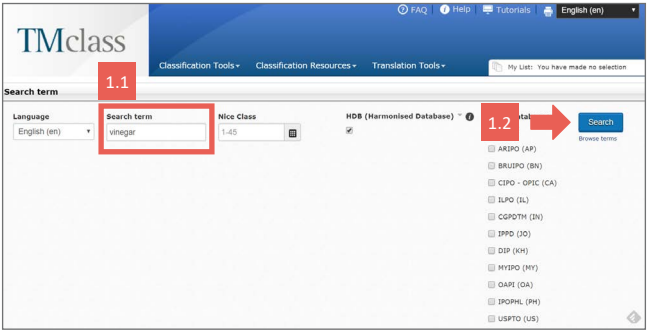
Determining the trade mark classes

In order to determine which classes your goods and services fall in, it can be helpful to check the general headings of the Nice Classification.

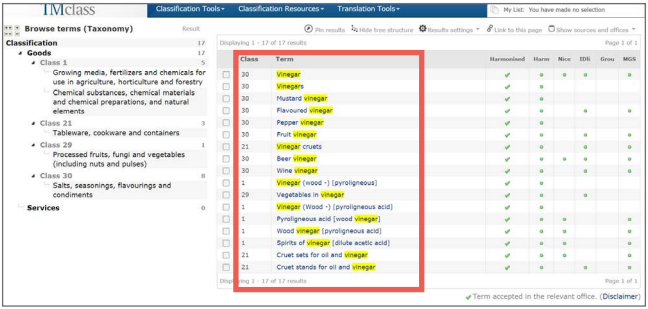
However, to ease the process, the European Union Intellectual Property Office (EUIPO) has developed an online tool "TMclass" to help users in finding the correct classes and accepted terms for their list of goods and services.

An example of using TMclass is presented below:

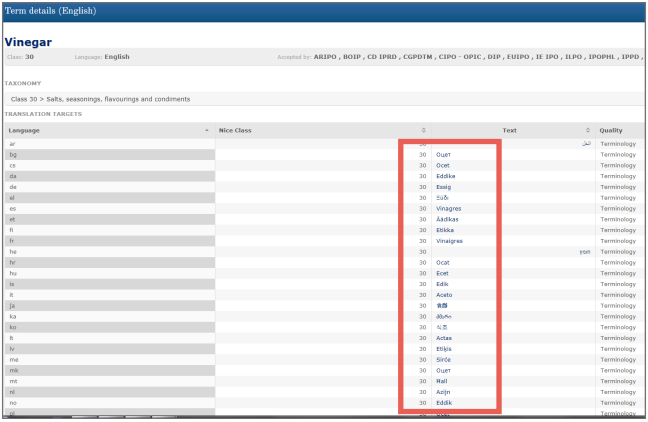
1. Go to the TMclass website www.tmclass.tmdn.org and type the goods/services to be searched (this example assumes that we are looking for a class for "vinegar" – for seasoning), then click on "Search".



2. The results show all vinegar-related classes. The user must decide the most appropriate class by checking the definitions. Here, the results show that "vinegars" for seasoning are in class 30.



3. It is also possible to see the term in different languages of the participating offices[2] in a pop-up window, if the class number is clicked. This option is particularly helpful if a national application is to be filed in one or several of these offices.



[2] *The offices which supply data to TMClass database. Currently there are more than 35 participating offices.*

1.3. How to search trade marks?

There are several trade mark databases used to perform trade mark searches. For national trade marks, users may carry out searches in the trade mark databases of their national IP office (generally in the national language).

For more extensive searches (especially when filing an EU trade mark or an international application), there are two main online free-of-charge databases:

1. TMview: This contains all types of trade marks present in the official databases of more than 50 participating trade mark offices, the EUIPO (EU trade marks) and the WIPO (International - Madrid System - trade marks). The tool is available in more than 35 languages and currently includes around 50 million trade marks.

2. Global Brand Database: With close to 40 million records, the database, managed by the WIPO, allows its users to perform trade mark searches by text or image in brand data from more than 40 national and international sources, including trade marks, appellations of origin and official emblems.

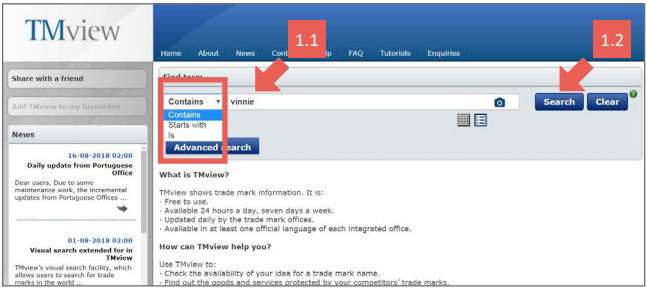
Both TMview and Global Brand Database also allow image search, where users are able to upload their logos to check if there are visually similar records.

The EU trade marks can also be searched through EUIPO's *eSearch plus database*.

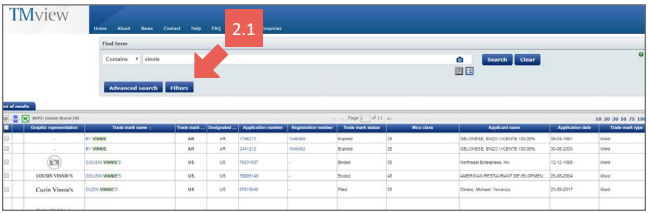
Trade mark search in TMview

Assume that we are planning to file a trade mark application for the trade mark “Vinnie” for vinegars in class 30.

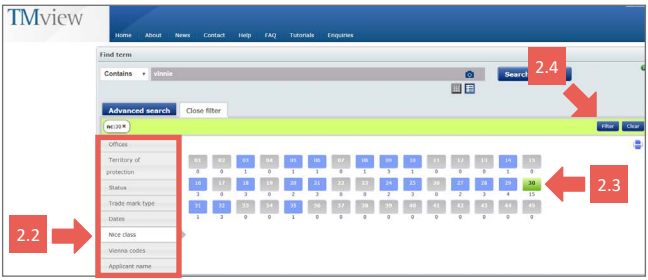
1. Go to www.tmdn.org/tmview/welcome and type the trade mark “Vinnie” in the text field. Note that it is possible to perform a search for the trade marks which “contain” the term typed, which “start with the term”, or which is an “exact match” (identical) of the term itself. In order to catch the possible similar trade marks, we will search the database to see if there are any trade marks which contain “Vinnie”. Click on “Search”.



2. In the results screen, it is possible to refine the search results by clicking on "Filters". TMview provides filtering options based on filing offices, territory of protection, status, trade mark type, filing or registration dates, Nice classes, status, Vienna codes[3] or applicant names) in order to refine the results.

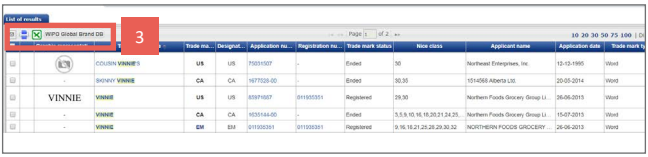


Select "Nice class" and class 30 as we are searching for the trade marks that contain "Vinnie" in class 30. After clicking on the "Filter" button, the results show that there are 15 related trade marks containing "Vinnie" in this class. Users can also see the distribution of results into classes on this screen.

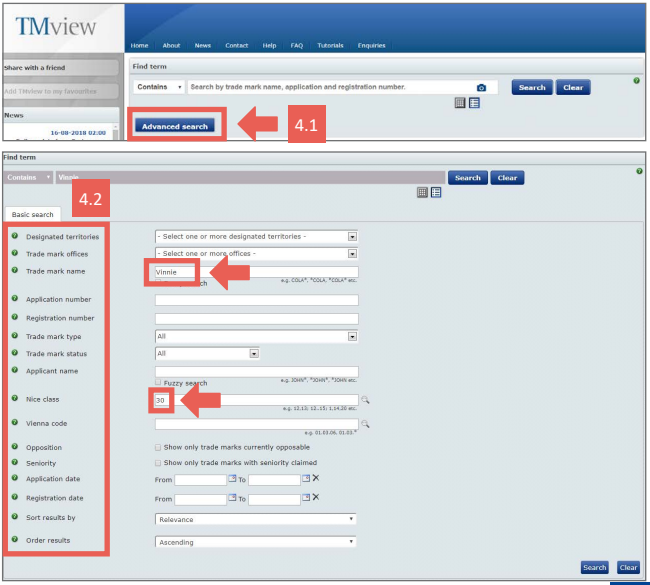


[3] *The Vienna Classification is an international classification of the figurative elements of marks.*

3. The results can be printed or exported to an Excel file by clicking on the Excel logo. The same search can be performed directly in WIPO's Global Brand Database by clicking the relevant link on this page.



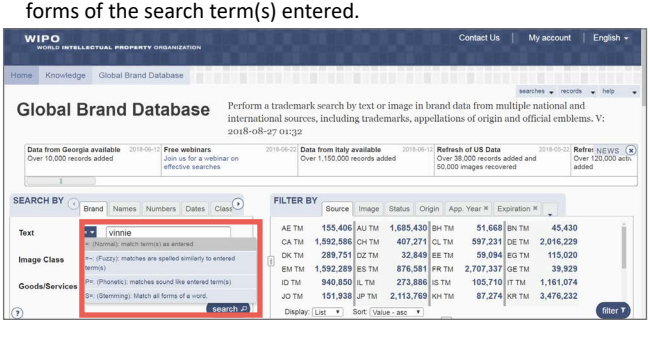
4. TMview's "advanced search option", on the home page, can also be used for a structured type-search by entering the relevant data in different predefined search fields.



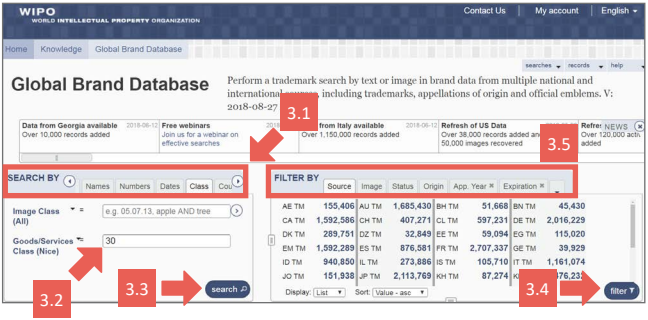
Trade mark search in the Global Brand Database

1. The WIPO's Global Brand Database is accessible through the EUIPO's TMview (see previous page) or by clicking its web address www.wipo.int/branddb/en

2. Type the trade mark "Vinnie" in the "Text" field. When typing the text, the database provides four different options: (i) "Normal" allows searching exact matches to the search term(s) entered, (ii) "Phonetic" performs searches for terms that sound like the search term(s) entered, (iii) "Fuzzy" allows searches for terms that are spelled similarly to the search term(s) entered and (iv) "Stemming" option can be selected in order to enable the matching of other forms of the search term(s) entered.



3. Users may add different search options to limit the search by clicking on the relevant tabs. Enter the class number ("30" for vinegars) in the "Class" tab of the search box. Then click on "Search". As in TMview, the results of the Global Brand Database can be filtered to narrow the search results, using different options (source, image, status, origin, application year and expiration date), as seen on the right-hand side of the screen.



Further Information

European IPR Helpdesk Material

Fact Sheet: How to search for trade marks

IPR Chart: EU Trade Mark

IPR Chart: International Trade Mark (Madrid System)

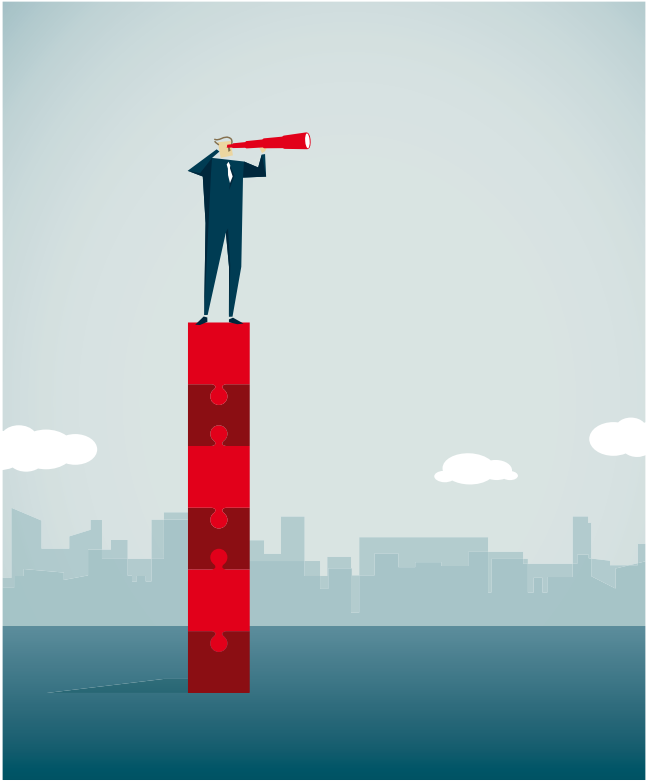
Trade Mark Searching Help

EUIPO – TMview Help Pages

WIPO – Global Brand Database Help Pages

EUIPO – eSearchPlus Database (for EU trade marks)

2. Design searching



2.1. Why perform design searches?

Design protection confers on the design holder an exclusive right to use a design - making, offering, putting on the market, importing, exporting or using the product in which the design is incorporated or to which it is applied - and to prevent third parties from using it commercially without its prior consent.

As for other IP rights, the first-come, first-served principle applies in design protection, but in order for a design to be registered, it should be novel and have an individual character (originality).

Therefore, risks of investing in non-original design or filing an application for identical or confusingly similar design can be avoided or at least limited by performing design searching. By conducting a design search, it is possible to check whether a prior design forms an obstacle to the protection of a subsequent one.

Furthermore, design databases can be employed as a monitoring tool for the latest trends in the design sector and for following up the latest works of competitors and other designers.

Design searches also help identify possible infringement cases (to check if there are any infringing designs) and give an opportunity for an earlier right holder to file an opposition against the registration of the designs, if applicable.

Unregistered designs are not subject to official publication and thus cannot be found by searching design databases. However, information on unregistered designs can be obtained by consulting existing literature, design catalogues, websites, by visiting trade fairs and exhibitions or by conducting a search within the circles specialised in a specific business sector.

2.2. What to consider when searching designs?

As for trade marks, designs are registered in relation with products on which it is applied. Determining the classification of the design limits the results list and saves time for users for further analysis.

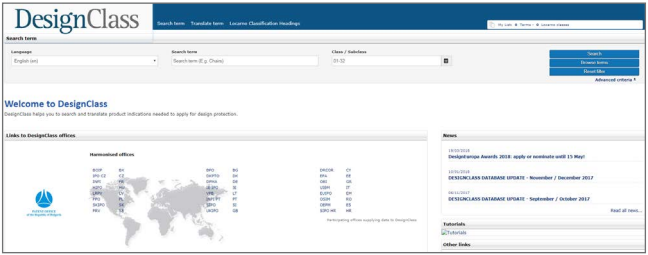
For the purpose of designs, the Locarno Classification, which is the international classification system for industrial designs, is used to classify the products on which the design is used.

Determining the design classes

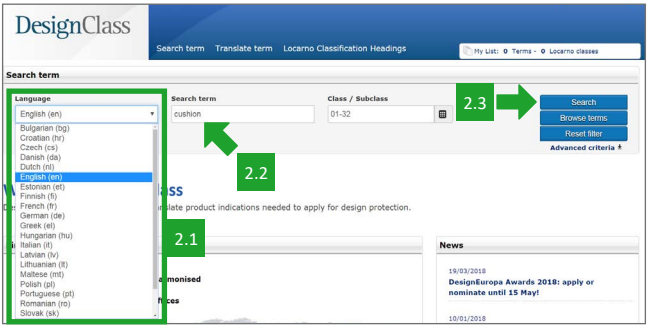
The EUIPO has developed an online tool "DesignClass", which helps in finding the correct classes and subclasses of designs.

An example on using Designclass is presented below:

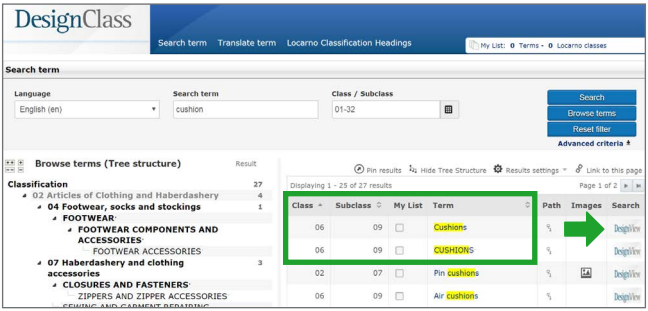
1. Go to the DesignClass website: www.euipo.europa.eu/designclass



2. Although English is the default language, it is possible to use DesignClass in other EU languages. Select your preferred language by clicking on the "Language" tab. Type the goods or services you would like to search (in this example, assume that we are looking for a class for "cushion" for furnishing) and click on "Search".



3. The results show that the term “cushion” (for furnishing) is in class 06, subclass 09. The users may directly click on the “DesignView” button to search in the design database for this class and/or subclass.



2.3. How to search for designs?

Several design tools are available to perform design searches. National designs can be searched by using the national design databases of individual IP offices.

For more extensive searches (especially when filing an EU design or an international application), there are two main online free-of-charge databases:

1. Designview: The Designview database gives access to design information of more than 65 participating offices, including the EUIPO and WIPO, for over 14 million designs.

2. Global Design Database: With more than four million designs, the Global Design database enables simultaneous searches via a single, intuitive interface across all international designs (Hague System) as well as in more than 10 participating national collections, including the EUIPO.

The EU design applications can also be searched through EUIPO's *eSearch plus database*.

It is also possible to carry out design searches in the WIPO's *Hague Express database* dedicated only to international designs (the Hague System).

Design search in Designview

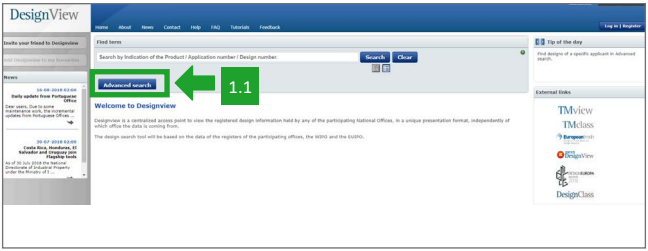
Two search options are offered by Designview namely, "Basic search" and "Advanced search", both of which can be accessed through the main page of the database.

Basic search (the default screen on the main page) can be conducted by writing down the indication of the product, the application number or the design registration number, if known.

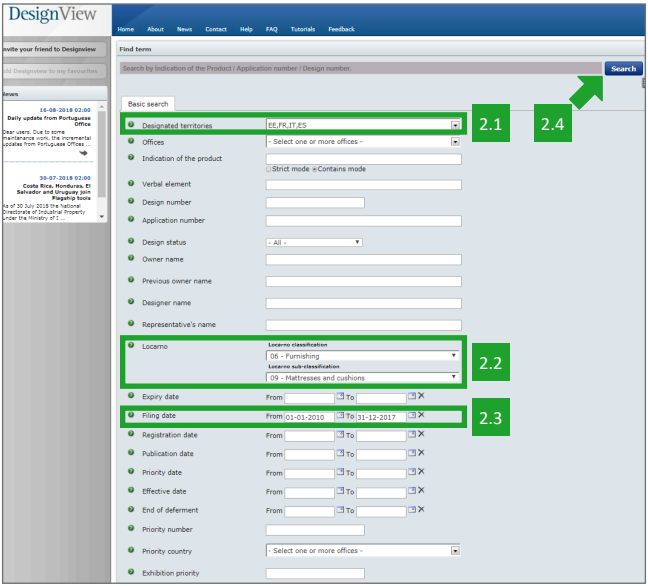
In the "Advanced search mode", the users have a number of alternatives. Advanced searches use multiple search criteria such as application or design number, the owner or designer name, the design status, or the indication of products (if the class is not known), separately or in combination. It is also possible to select the Locarno Classification and its sub-classification when searching.

Assume that we are searching for “cushion” designs (class 06.09) in Estonia, France, Italy and Spain, filed between the years 2010 and 2017 inclusive.

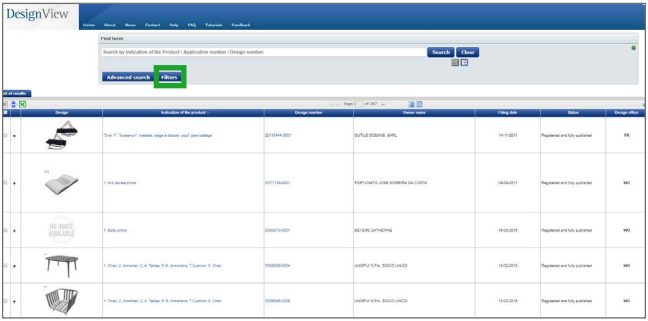
1. Go to www.tmdn.org/tmdsview-web/welcome and click on the “Advanced search” button.



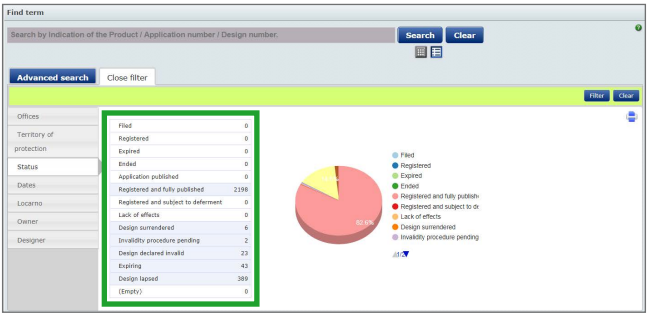
2. On the advanced search screen, type the search data in the relevant fields according to your search criteria and click on the “Search” button. Please note that it is possible to directly write the term “cushion” in the “Indication of the product” field, if the classification is not known. In our example, you would first enter the country code(s), then the Locarno Classification (as previously identified), the filing date and click on “Search”.



3. Designview also offers filters to refine the results according to: filing offices, territory of protection, status, dates and Locarno Classification.



4. Choose the preferred filter that you want to apply to your results.



Design search in Global Design Database

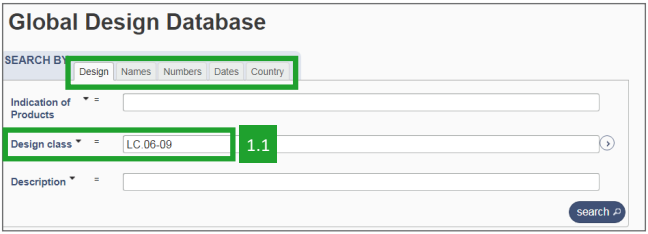
This database provides several options to search designs through different tabs:

- “Design” tab allows searching by indication of products, classification, and description of design (text);
- “Names” tab allows searching by holder, creator (designer) and representative (attorney);
- “Numbers” tab allows searching by application or registration number;
- “Dates” tab allows searching by filing, registration, publication or priority date;
- “Country” tab allows searching by designated states (in member countries) or priority countries.

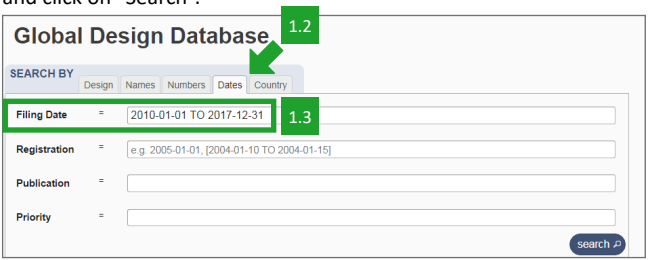
Users may also refine the results according to source (original data source for the records matching your search), designation (countries designated in each record), Locarno Class or registration year in order to decrease the number of hits.

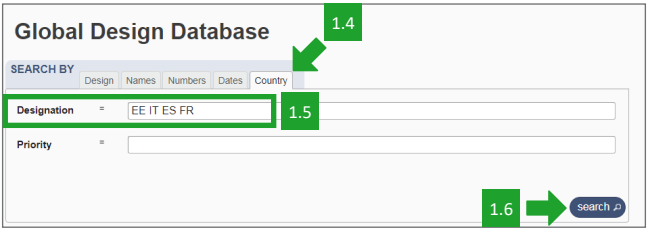
The same example as above (i.e. “cushion” designs in class 06.09 in Estonia, France, Italy and Spain, filed between years 2010 and 2017) can be searched in the Global Design Database:

1. Go to www.wipo.int/designdb/en and fill in the fields of the related tabs with your search criteria. In the "Design" tab, users may either write down the product itself (e.g. "cushion") and/or select the related class of their product (class 06.09), if known.

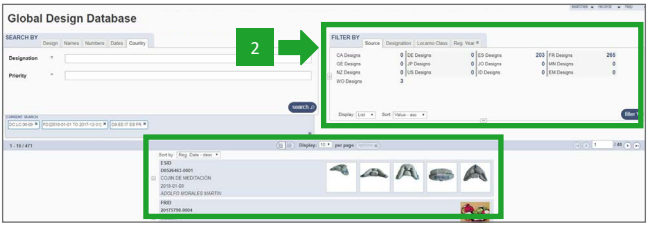


Then, enter the filing date period and country codes in the related tabs and click on "Search".





2. The search results return a list of designs according to the criteria entered. Users may then further filter the results by using the box on the right-hand side to limit the results by source, designation, Locarno Class and registration year.



Further Information

European IPR Helpdesk Material

Fact Sheet: Design Searching
IPR Chart: Community Design
IPR Chart: International Design (Hague System)

Design Searching Help

EUIPO– DesignView Help Pages
WIPO – Global Design Database Help Pages
EUIPO – eSearchPlus Database (for EU designs)
WIPO – Hague Express Database (for international designs)

The European IPR Helpdesk

The European IPR Helpdesk is a service initiative funded by the European Commission under the current Horizon 2020 programme that supports cross-border SME and research activities to manage, disseminate and valorise technologies and other Intellectual Property (IP) Rights and IP assets at an EU level. Offering a broad range of informative material, a Helpline service for direct IP support and on-site and online training, the European IPR Helpdesk's main goal is to support IP capacity building along the full scale of IP practices: from awareness to strategic use and successful exploitation.

This strengthening of IP competencies focuses on EU SMEs, participants and candidates in EU-funded projects, and EU innovation stakeholders for an increased translation of IP into the EU innovation ecosystem.

Our services

Our Information Hub to Keep You Updated

Our website keeps you informed about all of our services and activities. Latest news, event announcements and articles deal with specific IP-related topics and mirror recent trends and activities in our international network of partners. Just visit: www.iprhelpdesk.eu

Meet us at Key Events

Meet us at key events and conferences all over Europe to learn more on IP and our services. We are travelling Europe to join networking and brokerage events. To find out about the next chance to meet us in person, check the event calendar on our website or subscribe to our weekly newsletter. Just go to: www.iprhelpdesk.eu/events

Your IP Queries Handled by Experts

Our free Helpline offers professional support along the full range of IP-related questions you might face. Get in touch with one of our Helpline experts by registering on our website or contact us by phone, e-mail or fax and you will receive an individual answer within three working days. Moreover, you may meet our Helpline experts in person on regular events at our representation office in Brussels.
Contact our Helpline team: www.iprhelpdesk.eu/helpline

Find Your Favourite Piece of IP Knowledge

We have developed a broad range of different publications such as guides, case studies and fact sheets which provide hands-on information and practical guidance on how to tackle IP issues in

business or in the course of EU-funded collaborative research projects. Browse our extensive online library with more than 100 publications – all available for download: www.iprhelpdesk.eu/library

Newsletter & Bulletin: News and Different Perspectives on IP

Our newsletter informs you about recent developments in the fields of IP and R&D in Europe. By subscribing you will receive an email once a week linking you to our website where you will find a mix of the latest news and events. We also welcome your contributions, so please contact us if you would like to share any relevant information. Moreover, our quarterly Bulletin allows you to take a closer look at certain IP issues from varying perspectives. Designed in a magazine-like way it provides illustrative case studies and success stories, easy-to-read expert articles, interviews as well as reports on past events and activities. Take a look at: www.iprhelpdesk.eu/library/bulletins

Free Online and On-site Training Sessions

"Capacity building" is the magic term when it comes to our training actions. We aim to provide (potential) beneficiaries of EU-funded projects and SMEs involved in cross-border business activities with the best possible support enabling them to develop their own IP management strategies and processes. Based on a practical training approach, we have developed an EU-wide training scheme attracting more than 3,000 participants per year to on-site and web-based training sessions. Are you interested in planning a training session with us? Take a look at the training section on our website or send us an email: www.iprhelpdesk.eu/training, training@iprhelpdesk.eu

Close to Your IP Matters – Our Regional Ambassadors

In cooperation with the Enterprise Europe Network, the European IPR Helpdesk has established an ambassador scheme with more than 50 ambassadors in approximately more than 30 European countries. Combining their comprehensive experience in SME advisory with excellent IP knowledge, our ambassadors help you to effectively exploit your business assets. If you hesitate to address our Helpline with your IP issue in English, prefer to access our fact sheets in your own language or would like to organise a training session in your region – get in touch with the European IPR Helpdesk ambassador at your doorstep!

www.iprhelpdesk.eu/ambassador

Get in Touch

Please feel free to get in touch with us at any time for further information or if you have questions regarding our services.

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