Fact Sheet

April 2012

How to search for trademarks

Introduction

The objective of this fact sheet is to introduce you to trademark searching using the most relevant databases at the European and International level.

Before entering into the process of applying for a trademark, you should ensure that it is free to use, meaning that it should not be similar or identical to any trademark already existing (registered or undergoing the filing process) for the classes of products or services it applies to. Once you have registered your trademark, it is also important to regularly consult trademark databases in order to check if similar or identical trademarks to yours are being registered. As this would affect your earlier rights and lead to infringement, consulting the databases allow you to prevent unlawful registrations by engaging in opposition procedures. These databases are also an excellent source of business information. In fact, knowing the trademarks filed by a competitor can give you some insight into its commercial strategy, i.e. what kind of product or service is or will arrive on the market and in which territories it is intended to be marketed.

Trademarks are of a great importance also in EU funded projects, such as the ones in the framework of FP7 or CIP. Indeed, in case of future commercialisation of related products or services, if the name of the project is to be used, it needs to be available for the class of product or services for which it is intended to be used.

As you can see, there are many good reasons to perform trademarks searches.

Funded by the European Commission

1. Trademarks and classifications

As the aim of trademark is to differentiate products and services from others on the market, when filing an application it is essential to indicate the products and services for which the trademark will be used. This is why it is always necessary to link a trademark with classes of products and/or services.

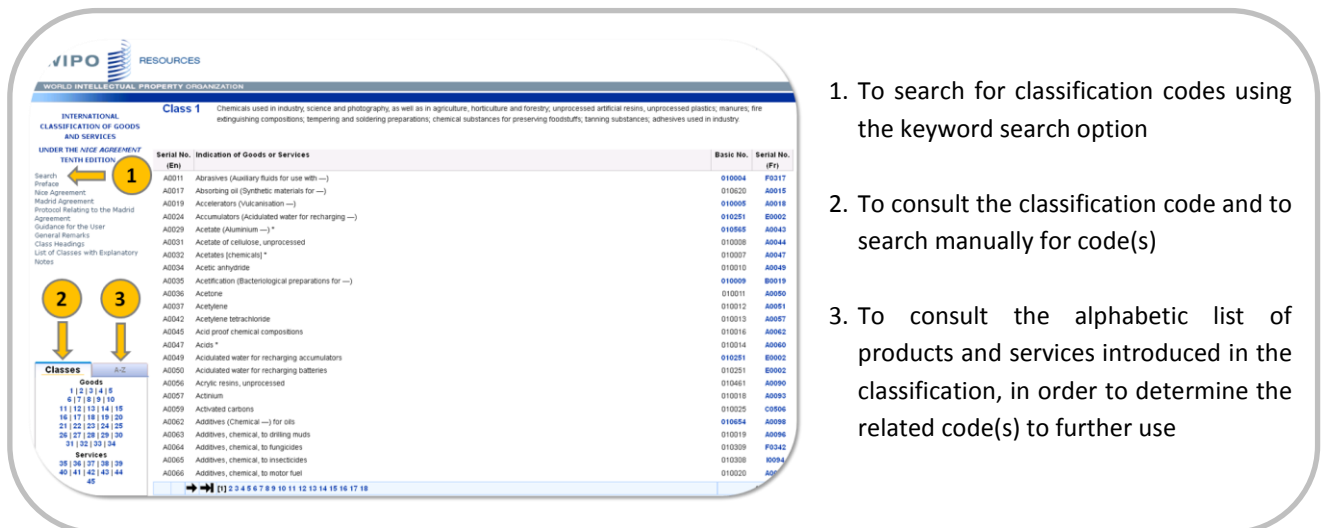> **Which are the classification systems you should know?**
>
> Most countries rely on international classification systems to classify products and/or services for the purpose of registering trademarks. The Nice Classification is the system used for trademarks and service marks, while the Vienna Classification is used for the figurative elements of trademarks.

In order to perform efficient trademark searches, it is recommended to use classification codes. This means that you firstly need to identify the classification code related to the trademark you are searching for, and then to possibly combine this code with another element (trademark name, holder name, representative...).

2. Searching for trademark classification codes

In order to search for a classification code of goods and/or services, you can use the database the World Intellectual Property Organization (WIPO) has developed under the Nice classification.

You have three main ways to find a classification when using this tool:

1. To search for classification codes using the keyword search option

2. To consult the classification code and to search manually for code(s)

3. To consult the alphabetic list of products and services introduced in the classification, in order to determine the related code(s) to further use

2.1. How to use the search function?

Click on search (in the left menu) to open the search interface

1. Introduce your search terms in the related query box

2. Click on "Search"

3. Results are presented just under the search related part. When clicking on a result/code, the system provides you with the meaning of the code

2.2. How to use the search function under the Vienna classification?

A similar search tool exists for classification of figurative elements of marks, also known as the Vienna classification. However, the figurative elements are classified by the selected office when submitting an application. This means that the search under Vienna classification is carried out principally within offices and mainly intended for internal purposes.

Under this classification, two search possibilities are offered:

1. Search term query

2. Manual search in the categories

3. Searching community trademarks

Community trademark applications as well as granted community trademarks can be searched on the website of the Office for Harmonization in the Internal Market (OHIM), the organism in charge of the community trademark, by using the CTM-ONLINE tool[1].

3.1. How to use the search function in CTM-ONLINE?

Two search interfaces are proposed in CTM-ONLINE: a basic search and an advanced search.

To conduct a basic search, you just need to enter a trademark number, a trademark name or a classification code. You can also specify elements such the type of database to be consulted, the type of trademark searched for and also the kind of results desired (e.g. simple or detailed view).

When entering a term under "Trade mark name", if you specify "contains" or "begins with", similar trademarks will also be searched in the selected database.

Basic search interface[2]   Advanced search interface[3]
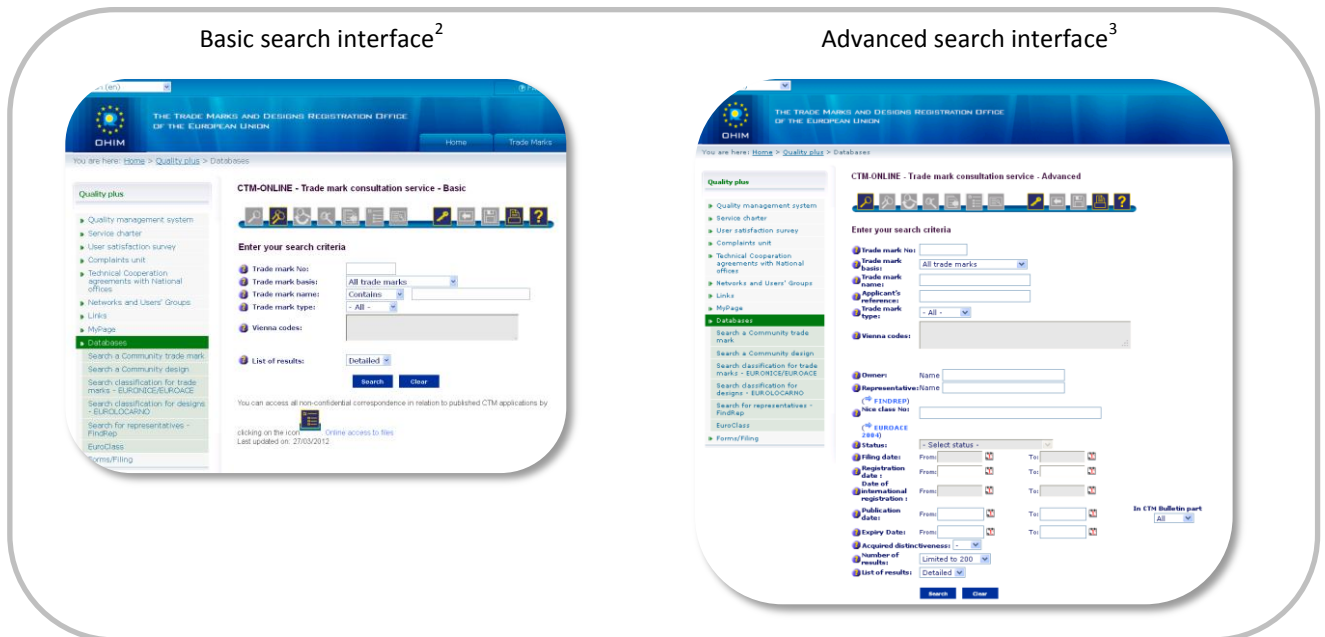
In the advanced interface, you can specify more criteria in your search, such as:
- Trade mark type,
- Owner name,
- Nice class number,
- Status,
- Filing Date,
- Registration Date...

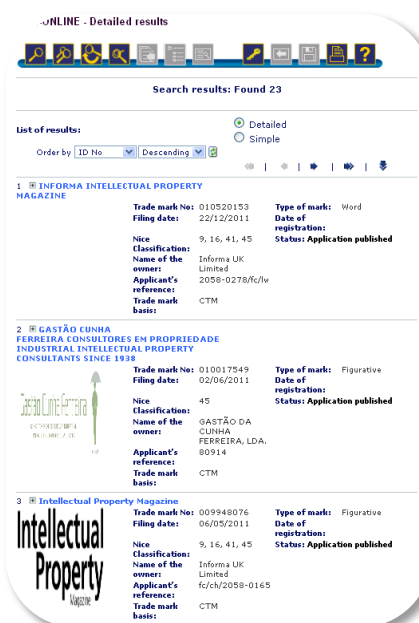---

[1] This search tool is available in OHIM's website at: http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do.

[2] You can use the basic search in the following URL: http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic_NoReg.

[3] The advance search can be found at the following URL: http://oami.europa.eu/CTMOnline/RequestManager/en_SearchAdvanced_NoReg.

Thus, the advanced search provides you with a more precise search and consequently you receive less, but more relevant, results.

For example, if you search for trademarks including the term "intellectual property" you will get the following results:

| A listing of the relevant trademarks	The details of a particular trademark when clicking on its title

4. Searching a trademark in Europe

4.1. Using TMview

The OHIM also provides on its website the TMview[4] database, which allows trademarks searches:

- At national level, for 17 trademark offices (Bulgaria, Benelux, Czech Republic, Denmark, Estonia, Spain, France, the UK, Italy, Lithuania, Portugal, Romania, Slovakia, Slovenia, Sweden, Finland and Latvia);

- At community level (OHIM); and

- At international level (WIPO).

The main objective of TMview is to integrate all data from the 27 European Union member states (in addition to those from OHIM and WIPO).

As in other search tools, basic and advanced searches are also possible in TMview.

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[4] TMview is available at http://www.tmview.europa.eu/tmview/welcome.html.
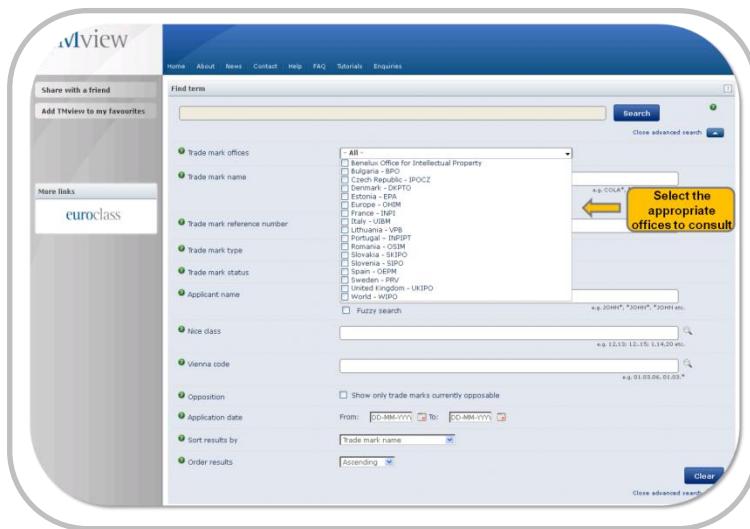
The basic search allows you to perform rapid queries. The system searches for the search string introduced, but it is possible to 0introduce at the same time several search criteria. In such a case, the code related to each search criteria has to be introduced.[5] On the other hand, the advanced search interface allows more accurate searches and, particularly, the possibility to specify more criteria.

An alternative way to search rapidly for a trademark in a selection of countries is to select the offices whose databases you wish to consult.

4.2. Using national databases

The other option when searching for a trademark at national level is to consult the national trademark databases accessible on the related office's website (if it exists).

5. Searching international trademarks

International trademarks can be searched in TMview, when selecting the "World – WIPO" office in the advanced search interface.

They can also be searched in the two following databases: ROMARIN and Global Brand Database, available at the WIPO's website.

5.1. ROMARIN database

The ROMARIN[6] database offers different options to find trademarks, providing the opportunity to mix search criteria as well as to define what kind of trademark is searched (in force, no longer in force or applications being processed).

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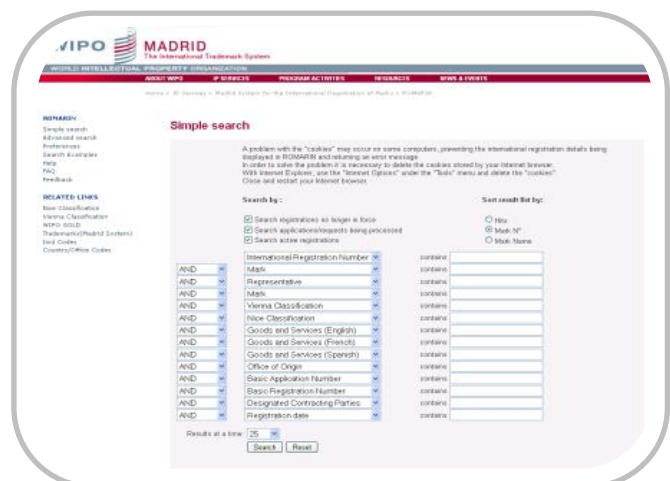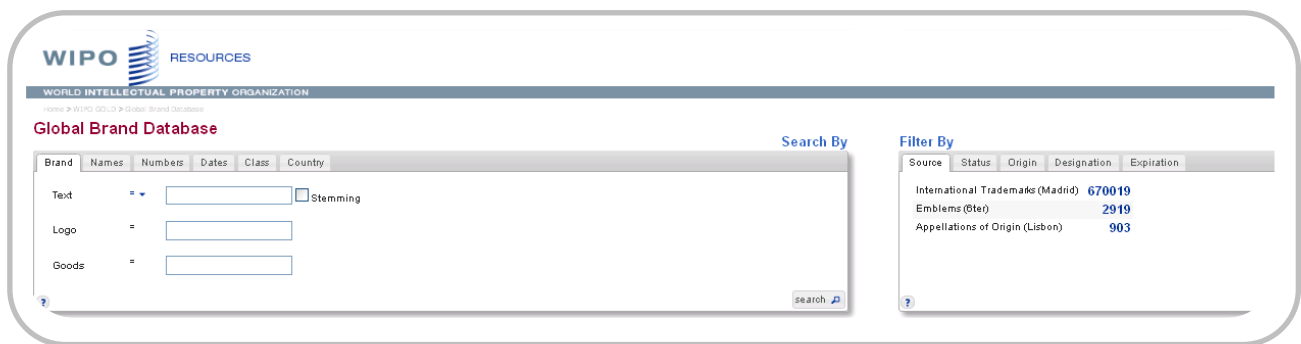
[5] For further information, we suggest that you consult the "help" available at TMview.
[6] ROMARIN is available at http://www.wipo.int/romarin.

5.2. Global Brand database

The Global Brand[7] database goes far beyond in term of search options, as well as daily updates of international trademarks.

Indeed, its interface offers five search possibilities:

- Brand (text, logo or goods),
- Names (holder or representative),
- Numbers (publication or application number),
- Dates (registration, application, expiration),
- Class (Vienna or Nice),
- Country (origin or designation).

Results can be filtered to narrow the search, using five filter options:

- Source (international trademarks, emblems or appellations of origin),
- Status (active, pending or deleted),
- Origin (geographical area of origin),
- Designation (countries designated),
- Expiration (date of expiration).

Boolean operators[8] and wildcards can be used in the search area. Moreover, interesting features have been included allowing textual searches to be done more easily:

- The "Normal" option allows searching exact matches to the search term(s) entered;
- The "Phonetic" function permit searches for terms that sound like the search term(s) entered;
- The "Fuzzy" allowing searches for terms that are spelled similarly to the search term(s) entered.

A "Stemming" option can be selected in order to enable the matching of other forms of the search term(s) entered.

For example, a search of the term "intellectual property", filtered by international trademark would provide you with two results presented just under the search and filter boxes. You may see the results below.

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[7] Accessible on: http://www.wipo.int/branddb/en/index.jsp#.

[8] *See* textbox at the end of this document.

When clicking on the result, further details are provided, as seen below:

Note that results can be saved for further use:

Boolean operators

Boolean operators define the relationships between words or groups of words and within search engines have the purpose to refine the search. Depending on how they are used search results may then considerably differ. The following are the most common:

- *AND* (intersection: query returns only those documents which contain all the terms combined. It narrows the search);
    Example: automobile AND electric
- *OR* (query returns all documents containing at least one of the three terms. It broadens the search);
    Example: automobile OR vehicle OR electric
- *NOT* (exclusion: query returns only those documents which do not contain the term following the NOT operator. It narrows the search).
    Example: vehicle NOT electric

Useful Resources

For further information on the topic please also see:

- "OHIM - Databases": http://oami.europa.eu/ows/rw/pages/QPLUS/databases/databases.en.do
- WIPO's "Trademark gateway": http://www.wipo.int/trademarks/en/

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For comments, suggestions or further information, please contact

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The European IPR Helpdesk aims at raising awareness of Intellectual Property (IP) and Intellectual Property Rights (IPR) by providing information, direct advice and training on IP and IPR matters to current and potential participants of EU funded projects focusing on RTD and CIP. In addition, the European IPR Helpdesk provides IP support to EU SMEs negotiating or concluding transnational partnership agreements, especially through the Enterprise Europe Network. All services provided are free of charge.

Helpline: The Helpline service answers your IP queries within three working days. Please contact us via registration on our website (www.iprhelpdesk.eu), phone or fax.

Website: On our website you can find extensive information and helpful documents on different aspects of IPR and IP management, especially with regard to specific IP questions in the context of EU funded programmes.

Newsletter & Bulletin: Keep track of the latest news on IP and read expert articles and case studies by subscribing to our email newsletter and Bulletin.

Training: We have designed a training catalogue consisting of nine different modules. If you are interested in planning a session with us, simply send us an email.

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