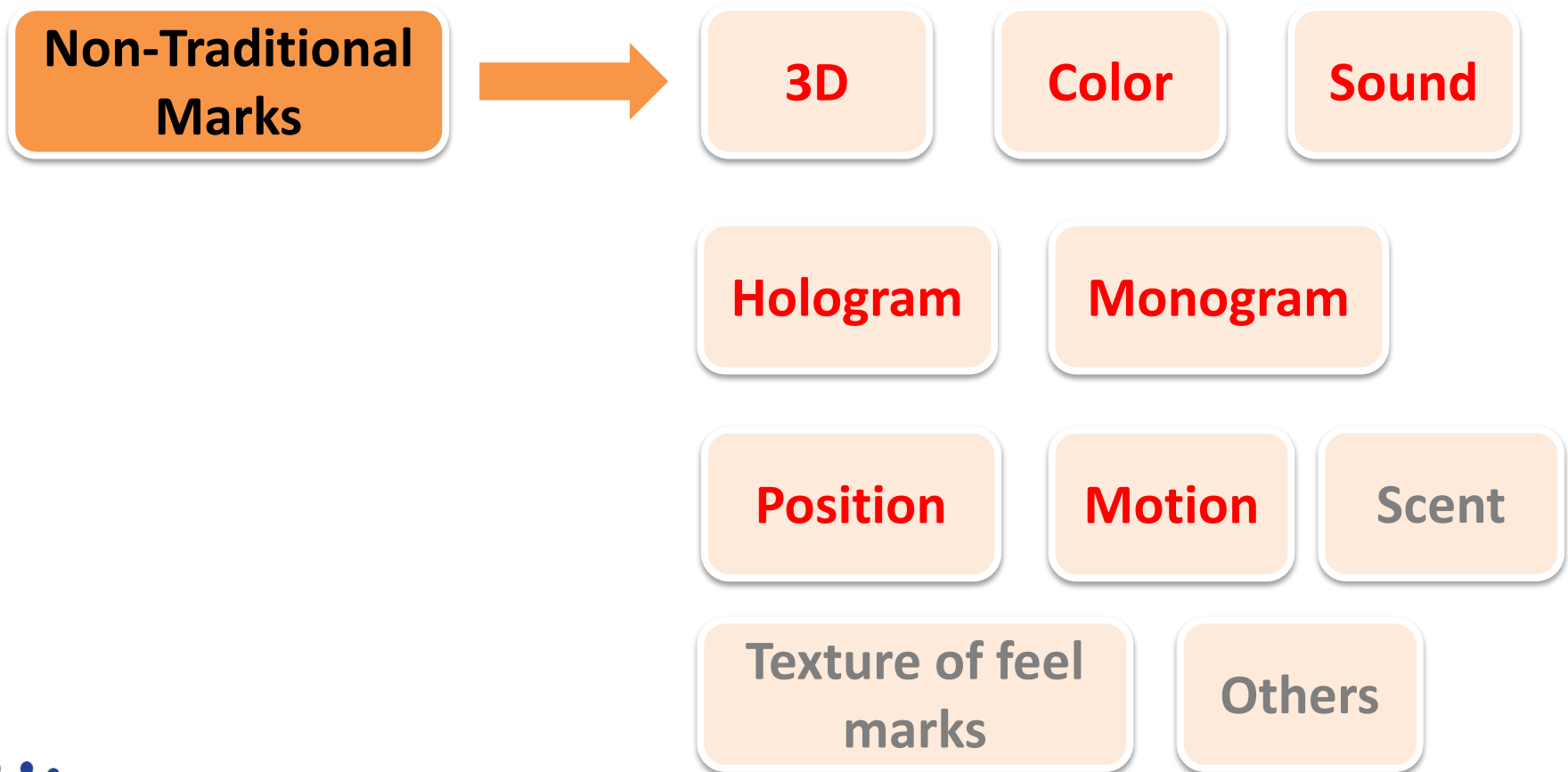
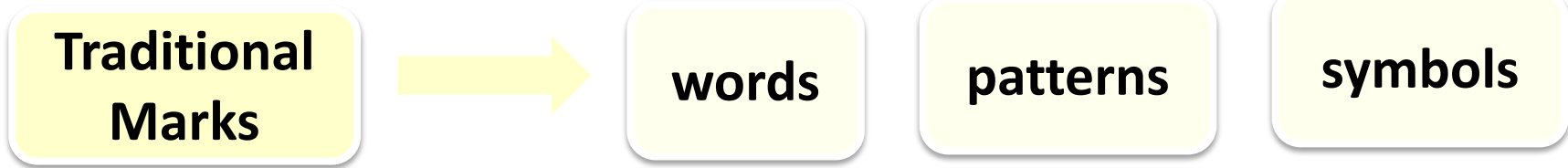


# Non-Traditional Trademark Filing Strategy in Taiwan

Ivy LIN

Wideband IP Office



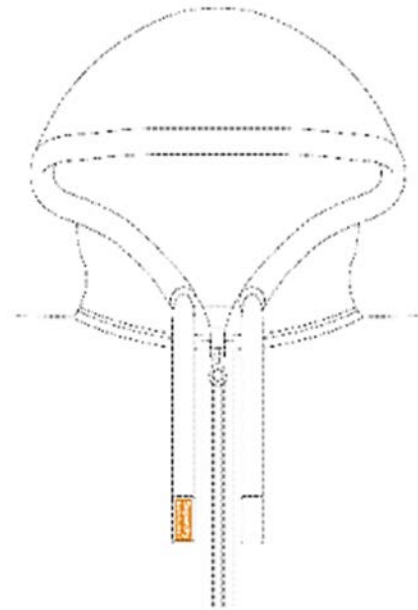
# Statistics of Non-traditional marks in Taiwan

Type	Filing no.	Allowed	Rejected	Allowance rate
Sound	129	62	63	50%
3D	1,972	769	818	49%
Color	1,010	51	215	20%
Motion	31	7	6	50%
Hologram	18	2	0	-
Others	48	11	8	58%

Up to June, 2018

Source from: <https://www.tipo.gov.tw/ct.asp?xItem=580570&ctNode=7061&mp=1>

# Non-traditional marks in Taiwan



# Hologram Trademark



- A hologram is a photographic recording of a light field, it is used to display a fully three-dimensional image of the holographed subject.
- A hologram trademark is a non-conventional trademark where a hologram is used to perform the trademark function
- 
- Registration no. : 01863357
- Designated goods: cosmetics, masks (class 03)

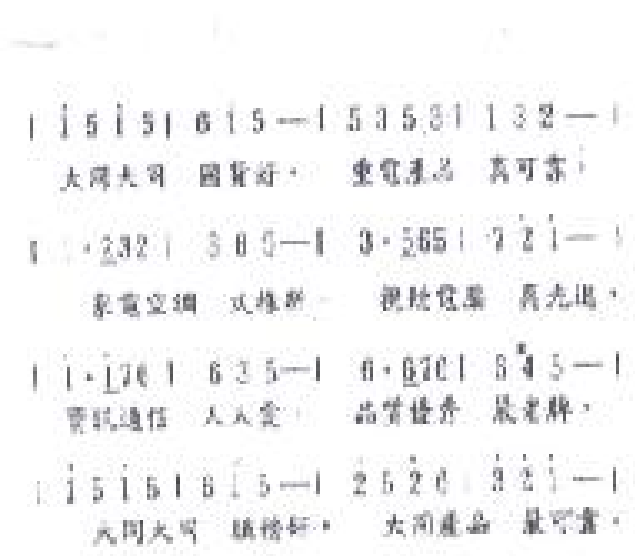
# Sound marks

- A **sound trademark** is a trademark where sound is used to perform the trademark function to identify the commercial origin of products or services.
- **Possible Types :**
  - Musical ( melodies )



- Non-musical ( narrations, sounds...etc. )

# Example - Sound Marks



- Descriptions of goods/services :  
Washing machine (class 07),  
computer (class 09), toaster,  
hair dryer (class 11)
- Descriptions of mark :  
This sound trademark is  
composed of light, lively music  
and lyrics. The lyrics are ....
- Registration no. : 01203273



# Examples - Sound Marks



- Descriptions of goods/services:  
Sodas(class 32)
- Descriptions of mark:  
This sound mark is as contained in the disc. It consists of saying narration "Are you tired?(你累了嗎?)"
- Registration no.:01652161



- Descriptions of goods/services:  
cars (class 12),  
advertisement (class 35)
- Descriptions of mark:
- This trademark is a sound mark, as shown in the notes and the accompanied disc, played by piano, double bass, violin, alto violin, cello and cymbals. The music is played at 3/8 beats, with four subsections.
- Registration no. :01833466

# Inappropriate subjects

## (X) Descriptive

Bow-wow on vet clinic



## (X) Generic

A Maiden's Prayer on garbage truck



## (X) Functional

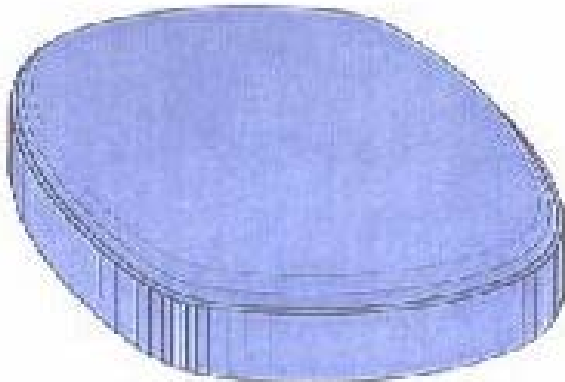
Ding-ding on microwaves



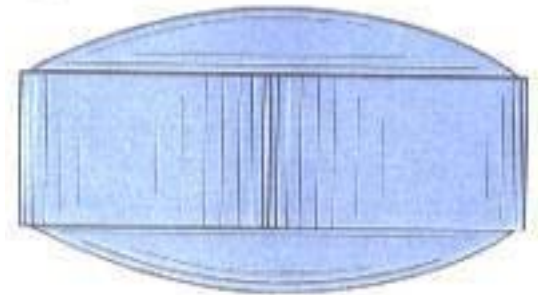
# Three-dimensional trademark

- A 3D trade mark protects the shape of products and facilitates their distinction in the market from others created by the competition.
- Possible types :
  - The shape of the product itself
  - The shape of container/packaging of the product
  - Three dimensional shape
  - The decoration of the place
- Difficulties for obtaining distinctiveness.

# The shape of the product itself



- Description of goods :  
medicine for curing sexual dysfunction (class 05)
- Description of marks :  
diamond shape pill, line parts only  
represent radians and shades
- Registration no. : 01195779



# The shape of the product itself



- Description of goods:  
handbags, bags (class 18)
- Description of marks:  
Overlap pattern of \*, from another angle, a square form is composed of four triangles into a square form
- Registration no.: 01889563

# The shape of packaging



- Description of goods:  
chocolate, chocolate candy, chocolate decorations... (class 30)
- Description of mark:
- This three-dimensional trademark is made up of golden, yellow and brown wrapping paper. A white oval label is placed in the center of the top of chocolate contains the words "FERRERO ROCHER", while the oval is It is made up of the outlines of gold, white and red lines.
- Registration no.:01200291

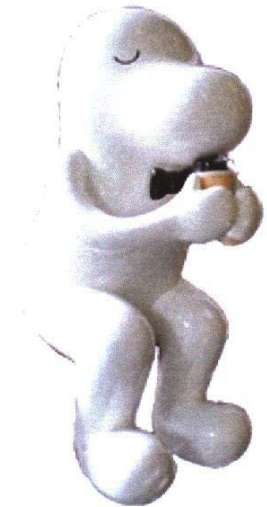
Opposition news : <https://www.facebook.com/TIPO.gov.tw/photos/pb.522834994425722.-2207520000.1471231841./1206204996088715/?type=3&theater>

# Three Dimensional shape



- Description of services:  
café (class 43)
- Description of the mark:  
This trademark is a cartoon character has big nose, with a white appearance and a black bow tie, two hands holding coffee cup close to the nose and mouth. Presenting a smile and a satisfied expression.
- Registration no.: 01595231

# Cama café



# Decoration of place



- Designated classes :  
03, 06, 16, 18, 20, 25, 26, 28, 30, 33, 34, 35...etc.  
33 classes in total
- Description of the mark :  
This trademark consists of a multi-section..  
From the 27<sup>th</sup>-90<sup>th</sup> floors, there are 8 sections and each section has 8 floors....etc.
- Registration no.: 01856256 (etc.)

# Inappropriate subjects

## Descriptive



## Generic



## Functional



# Color marks


- **Identification :**

At least one color is used to perform the trade mark function of uniquely identifying the commercial origin of products or services.

- **Possible forms :**

- Uni-color
- Combination of colors
- **Misunderstanding between colorful marks and color marks**

# Misunderstanding between colorful marks and color marks


**經濟部智慧財產局**

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[註冊簿查詢](#) | [案件歷史資料查詢](#) | [處分書查詢](#) | [特殊型態商標查詢](#)

### 特殊型態商標查詢

商標樣態

申請日期

起

迄

- 商標樣態：顏色商標
- 申請日期：從72年1月1日起到107年4月9日止。

查詢結果：

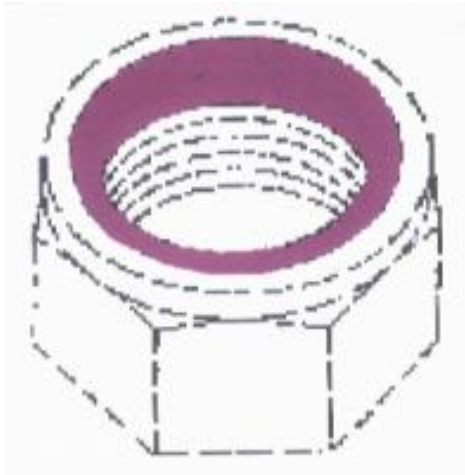
共找到 93 筆商標資料，目前顯示第 21 - 40 筆資料。

第  頁 / 共 5 頁

[中文造字安裝程式：\(約1.6M\)](#)

<a href="#">申請號:107001130</a> 	<a href="#">申請號:107001065</a> 	<a href="#">申請號:106083749</a> 	<a href="#">申請號:106080723</a> 	<a href="#">申請號:106078847</a> 
<a href="#">申請號:106078480</a> 	<a href="#">申請號:106074794</a> 	<a href="#">申請號:106074660</a> 	<a href="#">申請號:106073660</a> 	<a href="#">申請號:106073422</a> 
<a href="#">申請號:106071654</a>	<a href="#">申請號:106071131</a>	<a href="#">申請號:106070512</a>	<a href="#">申請號:106068390</a>	<a href="#">申請號:106065545</a>

# Uni-Color



- Description of services:  
Nut embedded with non-metallic inner ring (class 06)
- Description of the mark:
- The color of this article is purple and is used in the non-metallic inner ring of the nut. The dotted line in the drawing indicates the shape of the product and is not part of this trademark.
- Registration no.: 01185658

# Example-Color Combination Marks



- Description of services:  
Banking (class 36)
- Description of the mark:
- The actual color used in this pattern is two sets of green and three sets of blue combinations from left to right, in order of light green, color code (P362C) green, dark blue, light blue, color code (P3015C) blue, etc. It consists of 5 groups of colors, and the actual usage ratio is 20%, 10%, 15%, 5%, 50.
- Registration no.: 01420212

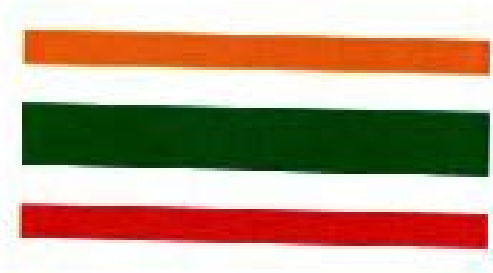


# Example-Color Combination Marks



- Description of services:  
convenient store (class 35)
- Description of the mark:
- This article is applied for the color combination mark. The appearance of the building on the drawing is not part of the service mark. The actual color of the color combination pattern of this piece is **green, white and blue from the top to the bottom** of the building.
- Registration no.: 00169459

# Example-Color Combination Marks



- Description of services:  
convenient store (class 35)  
service for providing foods (class 43)
- Description of the mark:
- The trademark pattern is arranged in the order of approximately 1:2:1 portion from top to bottom in the order of orange, green and red. This trademark is used in business-related items.
- Registration no : 01647643

# Inappropriate subjects

## Descriptive



Used on strawberry, tomato



## Generic



Used on fire-distinguisher



## Functional



Used on solar panel



# Filing Tips

1. Do not use functional, generic, and descriptive subjects.
2. Provide description of the mark and specimen at the time of filing.
3. Accumulate evidence of use to prove acquired distinctiveness.
4. For color trademarks, emphasize the specific color in advertisement or promotion activities.
5. Proactively communicate with the examiner when office action is rendered.
6. Start from “sound marks” or “3D marks”, which is easier to be allowed.

# Thank you!

If you have any questions, please contact:

Email: [ivy@wipo.com.tw](mailto:ivy@wipo.com.tw);  
[trademark@wipo.com.tw](mailto:trademark@wipo.com.tw)

TEL: +886-2-2950-0080 ext. 15