

## THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	Finland
Definition of Trademark	
1. According to the applicable legislation or to the practices of the Office, marks are defined as	
a) Visually perceptible signs	No
b) Signs capable of being represented graphically	Yes
c) Any sign capable of distinguishing the goods and services of one undertaking from those of another	Yes
2. Signs excluded from registration	
Are any signs excluded from registration as a mark?	Yes
Please, specify:	<p>- Trademarks that are not distinctive (A trademark may not however be refused registration on the grounds of lack of distinctive character, if the trademark has become distinctive through use prior to the date on which the application for registration was filed.) - Trademarks that are contrary to law and order or morality. - Trademarks that are liable to mislead the public. - Trademarks that, without proper permission, include state armorial bearings, a state flag or other state emblem. - Official signs or hallmarks, indicating control and warranty, for goods for which the marks are to be registered or for goods similar to them; the armorial bearings of a Finnish municipality, or the flags, armorial bearings or other emblems, names or abbreviations of international intergovernmental organisations; or some other devices, names or abbreviations, if their inclusion in the trademarks can cause a risk of the public confusing the trademarks with said emblems, signs, hallmarks, names or abbreviations. - Trademarks that are formed of something, or include something, that is likely to give the impression that it is another party's protected company name or another party's auxiliary company name or secondary symbol, or the name or likeness of another person, unless the name or likeness is evidently that of someone deceased a long time ago (Trademarks can be registered with the consent of the party whose right is in question, and there is no other obstacle to registration.) - Trademarks that are formed of something, or include something, that is likely to give the impression that it is the name of another's protected literary or artistic work, if the name is of a special nature, or if it infringes another's copyright in a work or another's rights in a photograph or a protected design (Trademarks can be registered with the consent of the party whose right is in question, and there is no other obstacle to registration.) - Trademarks that cause a risk that the public confuses them with the name, protected company name or auxiliary company name of another trader (Trademarks can be registered with the consent of the party whose right is in question, and there is no other obstacle to registration.) - Trademarks that cause a risk of confusion with an earlier trademark (Trademarks can be registered with the consent of the party whose right is in question, and there is no other obstacle to registration.) - Trademarks of which the</p>

	<p>application for registration was made in bad faith by the applicant (Trademarks can be registered with the consent of the party whose right is in question, and there is no other obstacle to registration.) -</p> <p>Trademarks that cause a risk of confusion with the name of a plant variety protected in Finland or in the European Union. - Trademarks that include an obstacle to the registration as referred to in Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs; Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007; Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89; or Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91. According to the pending proposal for the new Finnish Trademark Act (which will enter into force in the upcoming spring), the following signs are also excluded: - Trademarks that can not be clearly represented. -Trademarks that, without proper permission, include an official guarantee or certification mark or hallmark and the application covers the same goods or services as the earlier official sign. -The applied mark is already registered or applied as a collective mark for the same goods or services as the subsequent application. - The applied mark is already registered or applied as a guarantee or certification mark for the same goods or services as the subsequent application or there has been this kind of a registration that has expired. - Trademark that is similar to or identical with an earlier trademark irrespective of whether the goods or services for which it is applied are identical with, similar to or not similar to those for which the earlier trademark is registered, where the earlier trademark has a reputation. - Trademarks of which the application for registration is made by a representative of an applicant and the application is made in representative's own name without the proprietor's authorisation, unless there is a valid reason for the registration.</p>
Acceptable Types of Marks and Means of Representation	
Types of marks	
3. Is the applicant required to specify in the application the type of mark for which registration is requested?	No
4. Is a description of the mark [one option only]	b) Optional?
5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application?	Yes
One option only:	b) With an ex-officio indication of the type of mark?
Please, specify:	
6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:	

a) Word marks	Yes
i. Does the Office require the use of a standard character for the representation of word marks?	Yes
ii. Where applicable, does the Office require that words be translated into the language used by the Office	No
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	Yes
Please specify the font to be used to represent a standard character mark:	Some generally used normal fonts, which do not include figurative elements.
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	As images, and where applicable, with a colour definition. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the colour definition is not obligatory.
c) Hologram marks	Yes
Please, specify how they must be represented:	With images and where applicable, all different themes and figures must be included in those images. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and the public can clearly identify the precise right of the proprietor. The graphical representation is no longer required. The mark can be also represented as only a video file.
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	As images and where applicable, with a colour definition. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the colour definition is not obligatory.
i. Product packaging	Yes
Please, specify how it must be represented:	As images and where applicable, with a colour definition. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the colour definition is not obligatory.
ii. Product shape	Yes
Please, specify how it must be represented:	As images. According to the new Finnish Trademark Act (which will enter into force the upcoming spring) the colour definition is not obligatory.
e) Color marks	Yes
Please, specify how they must be represented	As an abstract image of the colour shade with a verbal definition using some internationally approved colour code.
i. A single color	Yes
Please, specify how it must be represented:	The colour must be represented as an image of the colour shade without outlines. Also, a verbal definition using some internationally approved colour code must be included.
ii. A combination of colors	Yes
Please, specify how it must be represented:	The colours must be represented in an abstract, unlimited form where colours are systematically arranged by associating the colours in a pre-determined and uniform way. The representation should include a verbal definition using some internationally approved colour code.
f) Sound marks	Yes
Please, specify how they must be represented	Sounds must be represented graphically. Also, a sample of a sound is required. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and public can clearly identify the precise right of the proprietor. The mark can be represented as a sound file, the graphical representation is no longer required.
i. A musical sound	Yes

Please, specify how it must be represented:	Sounds must be represented graphically. Also, a sample of a sound is required. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and the public can clearly identify the precise right of the proprietor. The mark can be represented as a sound file, the graphical representation is no longer required.
ii. Any sound	Yes
Please, specify how it must be represented:	A sample of the sound is required. If the mark can not be defined with stave, also a sonogram with frequencies and timing is accepted. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and the public can clearly identify the precise right of the proprietor. The mark can be represented as a sound file, the graphical representation is no longer required.
g) Motion marks	Yes
Please, specify how they must be represented:	As a series of images with an explanation how the animation proceeds. Also, when applicable, with a colour definition. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and the public can clearly identify the precise right of the proprietor. The graphical representation is no longer required, a video file is enough.
h) Multimedia marks (motion and sound)	No
Please, specify how they must be represented:	
i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)	Yes
Please, indicate what other types of marks are accepted:	Any mark that can be represented graphically and is distinctive can be accepted. However, according to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and the public can clearly identify the precise right of the proprietor. The graphical representation is no longer required, also multimedia marks can be registered as well.
Please, specify how each of the other types of marks indicated above must be represented:	According to the applicable law, marks must be represented graphically. According to the new Finnish Trademark Act (which will enter into force in the upcoming spring) the only requirement for the representation is that authorities and the public can clearly identify the precise right of the proprietor. The graphical representation is no longer required, also multimedia marks can be registered as well.
Format and Means to File an Application with the Office	
7. Which of the following are acceptable formats to file an application with the Office?	
a) A paper form	Yes
b) The image of a paper form (e.g., PDF, JPG)	Yes
c) Structured data (e.g., e-filing, XML files)	Yes
8. How does the applicant submit the application?	
a) On a physical support (e.g., paper, CD-ROM or USB device)	Yes
b) By fax	Yes
c) Electronically, other than fax (e.g., by e-mail, by e-filing)	Yes
9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?	Yes

Format(s) in which the Office accepts the electronic representation of the mark	
10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?	Yes
Please select below the format accepted by the Office	
a) GIF	No
b) JPEG	Yes
c) PNG	No
d) TIFF	No
e) Other(s)	No
Please, specify in which other format(s):	
When the representation consists of more than one digital still image:	
a) all images must be included in one file	Yes
b) each image may be in a separate file	No
11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)?	Yes
Please, select below the format accepted by the Office	
a) MID	No
b) MP3	Yes
c) WAV	No
d) Other(s)	No
Please, specify in which other format(s):	
12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound?	Yes
Please, select below the format(s) accepted by the Office	
a) AVI	No
b) GIF	No
c) MOV	No
d) MP4	Yes
e) MPEG	No
f) WMV	No
g) Other(s)	No
Please, specify in which other format(s):	
13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound?	No
Please, select below the format(s) used by the Office	
a) AVI	
b) MP4	
c) MPEG	
d) WMV	
e) Other(s)	
Please, specify in which other format(s):	
Formats and standards used by the Office to store, manage and publish electronic representation of marks	
SCRx3421	
14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database?	Yes
15. Is the electronic representation of the mark available to the public?	Yes
How can the public access the electronic representation of the mark?	
a) At the Office only (e.g., a dedicated computer terminal)	Yes
b) Online (e.g., online database)	No
16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:	

a) one or more digital still images	JPEG
b) a digital recording of sound only	MP3
c) a digital recording of moving images without sound	MP4
d) a digital recording of moving images and sound	MP3