

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	Portugal
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	No
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:	All the signs that cannot be represented in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor. For example, to the moment and because of this requisite, the Portuguese Office doesn't accept olfactory trade marks.
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?	Yes
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:	c) Other
Please, specify:	If the application includes a representation without the indication of the type of trade mark, the Office, based on the representation provided by the applicant (and the description, when it exists), establishes the appropriate type of mark and informs the applicant, who can reply within a time limit. If the applicant does not reply, the indication of the type of mark is considered accepted. When there is a contradiction between the representation of the trade mark and the indication of its type, the applicant is notified to provide clarifications or to make amendments. If the irregularities remain, the application is refused.
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	No
Please specify the font to be used to represent a standard character mark:	Courier
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	Reproduction of the sign showing all its elements and, when applicable, its colors.
c) Hologram marks	Yes

Please, specify how they must be represented:	Through the presentation of a video or a graphical or photographic representation that contain the views that are necessary to completely show the holographic effect.
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	Graphical or photographic representation of the shape, including by computer images. The representation may include several views.
i. Product packaging	Yes
Please, specify how it must be represented:	Graphical or photographic representation of the shape, including by computer images. The representation may include several views.
ii. Product shape	Yes
Please, specify how it must be represented:	Graphical or photographic representation of the shape, including by computer images. The representation may include several views.
e) Color marks	Yes
Please, specify how they must be represented	The mark shall be represented by submitting (i) a reproduction of the colour and an indication of that colour by reference to a generally recognised colour code; or, (ii) a reproduction that shows the systematic arrangement of the colour combination in a uniform and predetermined manner, and an indication of those colours by reference to a generally recognised colour code. A description detailing the systematic arrangement of the colours may also be added.
i. A single color	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting a reproduction of the colour and an indication of that colour by reference to a generally recognised colour code
ii. A combination of colors	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting a reproduction that shows the systematic arrangement of the colour combination in a uniform and predetermined manner, and an indication of those colours by reference to a generally recognised colour code. A description detailing the systematic arrangement of the colours may also be added.
f) Sound marks	Yes
Please, specify how they must be represented	The mark shall be represented by submitting an audio file reproducing the sound or by an accurate representation of the sound in musical notation.
i. A musical sound	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting an audio file reproducing the sound or by an accurate representation of the sound in musical notation.
ii. Any sound	Yes
Please, specify how it must be represented:	The mark shall be represented by submitting an audio file reproducing the sound.
g) Motion marks	Yes
Please, specify how they must be represented:	The mark shall be represented by submitting a video file or by a series of sequential still images showing the movement or change of position. Where still images are used, they may be numbered or accompanied by a description explaining the sequence.
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	The mark shall be represented by submitting an audio-visual file containing the combination of the image and the sound.
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	Position marks and pattern marks.

accepted:	
Please, specify how each of the other types of marks indicated above must be represented:	<p>Position: A trade mark consisting of the specific way in which the mark is placed or affixed on the product. The mark shall be represented by submitting a reproduction which appropriately identifies the position of the mark and its size or proportion with respect to the relevant goods. The elements which do not form part of the subjectmatter of the registration shall be visually disclaimed, preferably by broken or dotted lines. The representation may be accompanied by a description detailing how the sign is affixed on the goods. Pattern: A trade mark consisting exclusively of a set of elements which are repeated regularly. The mark shall be represented by submitting a reproduction showing the pattern of repetition. The representation may be accompanied by a description detailing how its elements are repeated regularly</p>
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	No
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)	Yes
Please, specify in which other format(s):	MP4
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?	Yes
Please, select below the format(s) used by the Office	
a) AVI	No
b) MP4	Yes
c) MPEG	No
d) WMV	No
e) Other(s)	No
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)	No
b) Online (e.g., online database)	Yes
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; MP4
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	MP4