

Comments by the Delegation of the Russian Federation on matters relating to new types of marks (document SCT/16/8, paragraph 9)

The legislation of the Russian Federation does not contain any restrictions concerning the types of designations for which legal protection as trademarks may be granted. The legislation states that “verbal, figurative, three-dimensional and other designations, or combinations thereof, may be registered as trademarks”. This standard constitutes grounds for the registration not only of three-dimensional marks, which to date are not protected in a number of countries, but also “other” designations, and consequently new (non-traditional, exotic) types of marks.

In this connection, the requirements for designations, for which registration as trademarks is requested, are identical for all types of designations. In other words, requirements exist regarding the so-called “absolute” and “relative” grounds for the refusal of a trademark registration.

In addition, Office Acts, containing requirements for the formulation of an application in relation to a trademark submission, do not contain detailed requirements relating to individual new types of trademarks.

Office Acts detail the individual requirements for the submission of a number of non-traditional types of marks such as three-dimensional and sound marks.

In particular, as regards a three-dimensional designation it is stated that in this case “... a representation of the general form of this designation shall be provided. Furthermore,

representations of all the necessary projections of a claimed designation, which provide an exhaustive representation thereof, shall also be submitted”.

In relation to a sound designation, it is stated that this “... shall be submitted in graphic form or in the form of a phonogram (video recording) on audio (video) cassette”.

In this regard, the requirements for the description of the above types of marks shall involve the following:

- in relation to any types of marks, including non-traditional marks, the description shall contain details of the characteristics of a claimed designation: its type (verbal, figurative, three-dimensional, sound), an indication of its components, the semantic meaning of the designation as a whole, or of its elements (parts);
- where a sound designation is claimed for registration as a trademark, the characteristics of the sound(s) of which it consists shall be cited, or a musical recording or diagram of the frequencies, with the phonogram on audiocassette attached;
- where a light designation is claimed for registration as a trademark, the characteristics of the light symbols (signals), their sequence, length of light emission and other features shall be cited.

As regards other new types of marks (holographic, touch, smell and so on), the requirements therefor are not reflected in Office Acts. This is explained by the lack of sufficient practice for the Office in the registration of such marks.

The problems which require further work include in particular that of entering information on the registration of trademarks in the State Register of Trademarks and publishing information on the registration of non-traditional trademarks. In this case, we are referring to the graphic designation of smell, touch, sound and other similar marks.

Below are examples of the publication of information on the registration of a number of non-traditional trademarks.

FEDERAL SERVICE FOR INTELLECTUAL PROPERTY  
PATENTS AND TRADEMARKS (ROSPATENT)

**190 RU (111) 213565**

**Trademarks and service marks**

- (220) Filing date: **December 28, 2001**
- (151) Registration date: **May 31, 2002**
- (210) Application No.: **2001737959**
- (181) Date of expiry of term of validity of registration: **December 28, 2011**
- (450) Publication date: **July 12, 2002**
- (731) Owner: **Closed joint-stock company “REGIONAL’NY RADIOKANAL”,  
Moscow (RU)**
- (526) Non-protectable elements: **Radio**
- (556) Sound mark: **Sound mark**
- (540)
- (511) Classes of the International Classification of Goods and Services and List of  
Goods and Services:
- 35 - Advertising; television advertising; business management; business  
administration; office functions.**
- 38 - Telecommunications; radio broadcasting; television broadcasting; cable  
television broadcasting.**
- 41 - Education; providing of training; entertainment; organization of sporting,  
cultural and educational activities;**

**club services [culture or education]; entertainment clubs; discotheques;  
organization of balls; organization of competitions (education or  
entertainment); organization of beauty contests; operating lotteries;  
production of radio and television programs; production (videotape film-);  
production of shows; recording studio services; television entertainment;  
radio entertainment; videotapes (rental of-); sound recordings (rental of -).**

**190 RU (111) 235617**

**Trademarks and service marks**

- (220) Filing date: **August 24, 2001**
- (151) Registration date: **January 17, 2003**
- (210) Application No.: **2001725738**
- (181) Date of expiry of term of validity of registration: **August 24, 2011**
- (450) Publication date: **March 12, 2003**
- (731) Owner: **Open joint-stock company “Vimm - Bill - Dann Food Products”,  
Moscow (RU)**
- (556) Sound mark: **Sound mark**
- (540)
- (511) Classes of the International Classification of Goods and Services and list of goods and services
- 03 - Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps, perfumery; essential oils, cosmetics, hair lotions; dentifrices.**
- 05 - Vitamin preparations; albuminous and biological preparations; food (additives to -) for medical purposes, including minerals, ferments and ferment preparations for medical and veterinary purposes; fodder (additives to -) for medical purposes; dietetic substances; drinks and food products for medical purposes; food for babies; flour for babies; diabetic bread; medicinal herbs, oils and infusions; bee-keeping products for medical purposes.**

- 28 - Games and play things; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.**
  
- 29 - Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.**
  
- 30 - Coffee, tea, cocoa, sugar, rice, tapioca (manioc) sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.**
  
- 32 - Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.**
  
- 35 - Marketing studies; marketing research; research (business-); appraisals (business-;) information (business -); business management consultancy; import-export agencies (commercial information -); business information; sales promotion for others; commercial or industrial management assistance.**
  
- 42 - Sale of goods; supply of foodstuffs.**

**(190) RU (111) 309645**

**Trademarks and service marks**

Document: **in PDF format**

**(220)** Filing date: **August 24, 2005**

Priority date: **August 24, 2005**

**(151)** Registration date: **July 3, 2006**

**(210)** Application No.: **2005721229**

**(181)** Date of expiry of term of validity of registration: **August 24, 2015**

**(450)** Publication date: **August 12, 2006**

**(731)** Owner: **Closed joint-stock company “OST” group of companies,  
Chernogolovka, Moscow region (RU)**

**(554)** Three-dimensional mark: **Three-dimensional mark**

**(750)** Address for correspondence: **O.V. Shishkina, closed joint-stock company  
“OST” group of companies, 16, Road 3, 142432 Chernogolovka, Moscow  
region**

**(540)**

**(511)** Classes of the International Classification of Goods and Services and list of goods  
and services

**33 - Alcoholic beverages; vodka; brandy; liqueurs; rum; aperitifs.**



**(190) RU (111) 274400**

**Trademarks and service marks**

Document: **PDF format**

**(220)** Filing date: **May 21, 2003**

**(151)** Registration date: **September 1, 2004**

**(210)** Application No.: **2003710124**

**(181)** Date of expiry of term of validity of registration: **May 21, 2013**

**(450)** Publication date: **October 12, 2004**

**(731)** Owner: **Closed joint-stock company “Dombytkhim”, Moscow (RU)**

**(554)** Three-dimensional mark: **three-dimensional mark**

**(591)** Color: **black, white, grey**

**(540)**

**(511)** Classes of the International Classification of Goods and Services and list of goods and services

**03 - Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.**

(190) RU (111) 296496

**Trademarks and service marks**

Document: **in PDF format**

(220) Filing date: **December 17, 2003**

(151) Registration date: **October 7, 2005**

(210) Application No.: **2003724915**

(181) Date of expiry of term of validity of registration: **December 17, 2013**

(450) Publication date: **November 25, 2005**

(731) Owner: **“Feniks-Film” public limited company, Moscow (RU)**

(591) Color: **Orange-red, black, blue, white, dark blue**

(556) Sound mark: **Sound mark**

(750) Address for correspondence: **“Feniks-Film” public limited company, 12, third  
Khoroshevskaya Street, 123298 Moscow**

(540)

(511) Classes of the International Classification of Goods and Services and list of goods and services:

**41 - Video taping, dubbing; books (publication of -); movie studios; editing (video tape); television programs (production of radio and:); game services provided online from a computer network; television entertainment; movie theatre facilities (providing -); videotape film production; production of motion pictures; motion pictures (rental of); rental of lighting apparatus for theatrical sets or television studios; rental of stage scenery; rental of audio and sound recordings; rental of audio equipment; rental of video cameras; rental of video cassette recorders; rental of videotapes; rental of show scenery; rental of movie projectors and accessories; music**

**composition subtitling; scriptwriting services; recording studio services; digital imaging services; photography; microfilming; entertainment information; radio entertainment; entertainment; news (reporters) services; photographic reporting**

**42 - Arbitration; consultancy (intellectual property -); licensing of intellectual property; conversion of data or documents from physical to electronic media; intellectual property watching services; copyright management, litigation services.**