

CP17 Common Practice

The distinctive character of slogans

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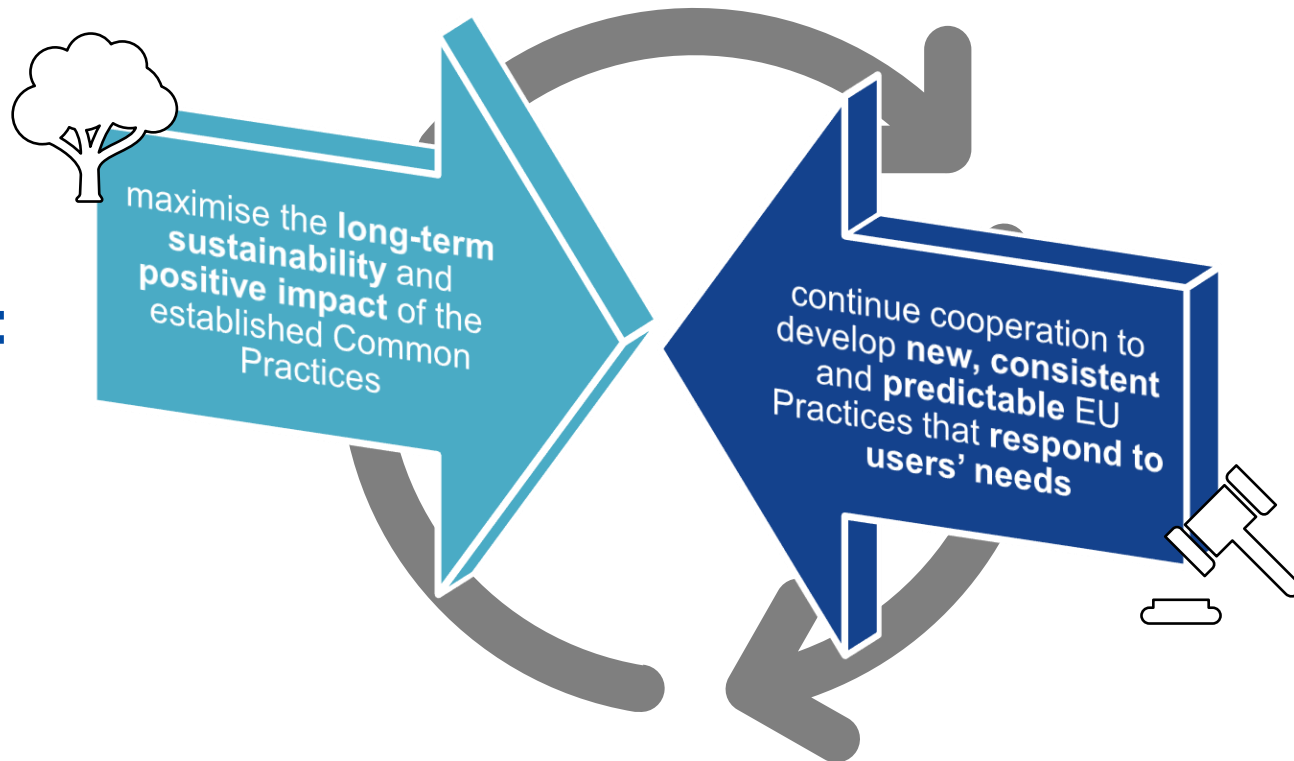
BACKGROUND FOSTERING COMMON EU PRACTICES



Fostering Common EU Practices

Vision

Dual aim:



Convergence Projects

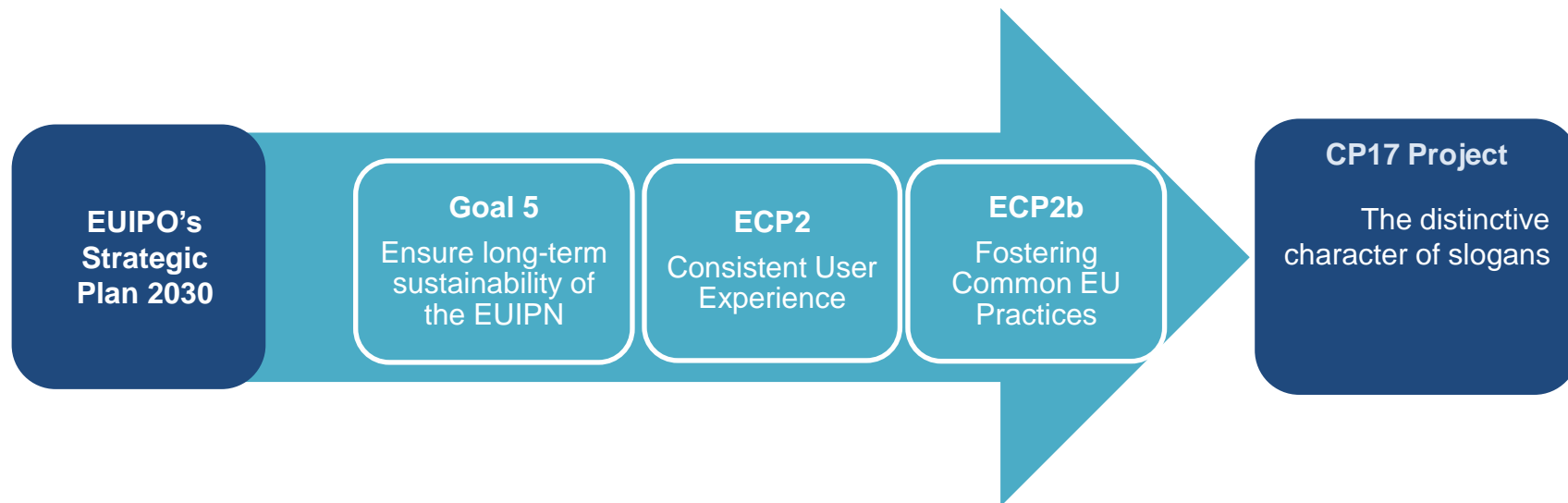
Legal basis

EU trade mark reform package

- Article 151 EUTMR
- Article 152 EUTMR
- Articles 51-52 TMD

EU design reform package

- Recital 8 EUDR
- Article 34-35 Recast DD



2

CP17

COMMON PRACTICE



2.1

Reasons for CP17 launch

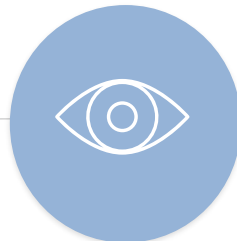


CP17 Common Practice – Background



Lack of guidance

on how to assess slogans in the TMD
and EUTMR



EUIPO Boards of Appeal Case-law Research Report

[on the distinctive character of
slogans](#)



Improve consistency

across IPOs, who
expressed interest in the
topic

CP17 Common Practice – Background

Methodology for gathering input

Consultations

3 consultations in writing

Communication

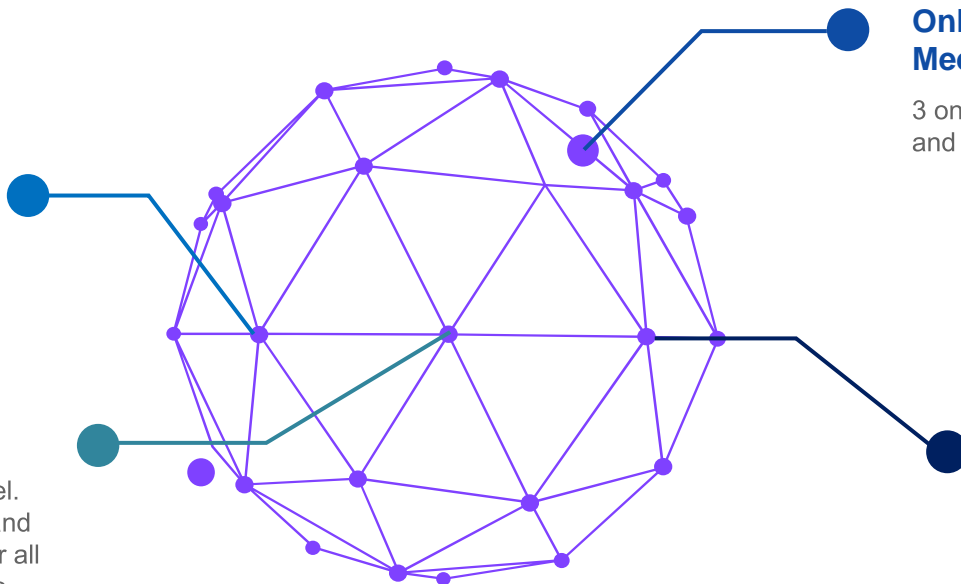
MS Teams as a communication channel. Feedback, proposals and new drafts available for all participants in real time.

Online/Hybrid Meetings

3 online VC meetings held and 1 hybrid meeting.

Bilateral Calls

Tailored meetings with stakeholders to clarify doubts



CP17 Common Practice – Virtual Community members

IPOs

- BG
- BX
- DE
- EE
- ES
- EUIPO
- FI
- FR
- GR
- HR
- HU
- IT
- LT
- LV
- PL
- PT
- RO
- SE

UAs

- AIM
- APRAM
- BMM
- CITMA
- ECTA
- FICPI
- ICC
- INTA
- MARQUES
- UNION



2.2

Scope and structure



CP17 Common Practice – Scope

In scope



A common understanding of the concept of slogans and general considerations;



Agreement on a non-exhaustive list of factors for assessment of the distinctive character of slogans (word marks); and



Examples to illustrate slogans in the English language.

CP17 Common Practice – Scope

Out of scope

- assessment of any type of marks other than word marks;
- assessment of any other absolute grounds for refusal other than Article 4(1)(b) TMD;
- assessment of other intellectual property rights such as copyright and their impact on the registrability of a trade mark according to Article 4(1)(b) TMD;
- procedural aspects pertaining to each IPO;
- acquired distinctiveness through use under Article 4(4) TMD;
- distinctiveness because of a particular placement of the slogan on the goods and services;
- description of legal constraints preventing implementations in particular IPOs; and
- language-related issues on the examples in the Common Practice.



CP17 – STRUCTURE



1 INTRODUCTION

- 1.1 Objective of this document
- 1.2 Background
- 1.3 Practice scope
- 1.4 Implementation

2 THE COMMON PRACTICE

- 2.1 Legal framework
- 2.2 The concept of slogan and general considerations
- 2.3 Assessment of the distinctive character of slogans
 - 2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan
 - 2.3.2 Examples of slogans

2.3

Principles



Translation disclaimer

If there is a discrepancy between the translation of the Common Practice documents in any of the official languages of the European Union and the English version, the latter will prevail.



CP17 – STRUCTURE



1 INTRODUCTION

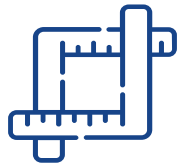
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2.1 Legal Framework

Article 4(1)(b) TMD (similarly upheld in Article 7(1)(b) EUTMR): trade marks which are devoid of any distinctive character shall not be registered or, if registered, shall be liable to be declared invalid.



The rationale underlying these provisions lies in Article 3 TMD, which defines inter alia a trade mark as a sign that is **capable of distinguishing** the goods or services of one undertaking from those of other undertakings. This is the essential function of a trade mark and consequently, the trade mark registration should not be granted in favour of a sign that is **devoid of any distinctive character**.

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2.2 The concept of slogan and general considerations

Dictionary definitions for '[slogan](#)' can be found on page 3 of the CP

The term 'slogan' is not explicitly defined in the TMD, EUTMR or settled case-law.



Its interpretation is shaped through case-law from the Court of Justice and the General Court, particularly regarding the assessment of the distinctiveness of such signs.

- e.g. '[Vorsprung durch Technik](#)' (C-398/08 P), '[Wir machen das Besondere einfach](#)' (C-311/11 P)

2.2 The concept of slogan and general considerations

The **Court of Justice** has clarified that slogans **may function both:**



as a **promotional
formula**

AND



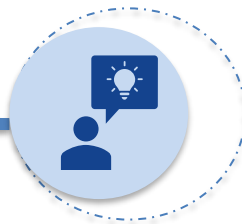
as an **indication of
the commercial
origin of the goods
and services**

2.2 The concept of slogan and general considerations

To be **eligible**
for
registration, a
slogan has to:



possess a certain
originality,



requiring at least
some **interpretation**
by the relevant
public,



or setting off a
cognitive process in
the minds of that
public.

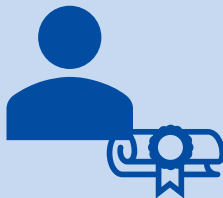
2.2 The concept of slogan and general considerations

However, even if a slogan is not capable of setting off a cognitive process in the mind of the relevant consumer, it is not necessarily devoid of distinctive character.



2.2 The concept of slogan and general considerations

Applicants seek to register slogans as trade marks to ensure exclusive rights, as slogans usually **convey a promotional message related to the designated goods and services.**



Slogans can be seen as a catchy method for **promoting a product or service**, by helping the message to be **easily remembered** by consumers and identifying these goods and services with a particular origin.



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2.3 Assessment of the distinctive character of slogans

Slogans, irrespective of whether they are considered non-conventional trade marks, are **not** subject to **stricter criteria in the assessment of the distinctive character than other types of signs**.

This confirms that all trade marks, regardless of their type, should be evaluated based on the **same legal principles applicable when assessing the distinctive character of a trade mark**.

The **length** alone does not determine whether a slogan is distinctive




2.3 Assessment of the distinctive character of slogans

The **distinctive character** of a trade mark is assessed:

in relation to the goods or services  

in respect of which registration of the sign has been requested; and

in relation to the perception of the section of the public targeted 

which is composed of the consumers of those products or services.

2.3 Assessment of the distinctive character of slogans



The distinctiveness of a slogan must be assessed in relation to the specific **goods and services**. However, a general reasoning for all the goods and services covered can be provided when it **applies equally to all of the goods and services**.

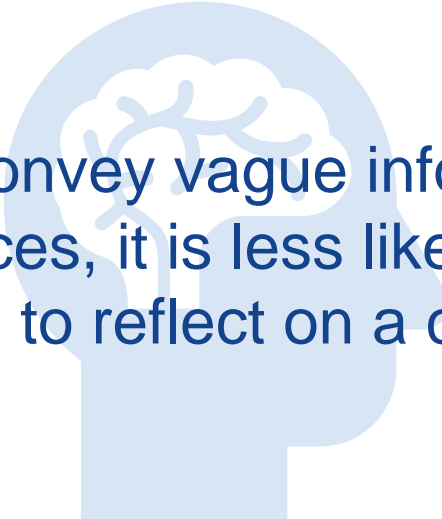
2.3 Assessment of the distinctive character of slogans



The **relevant public's perception** of slogans is not necessarily the same as it is with other types of marks and it may prove more difficult to establish distinctiveness.

2.3 Assessment of the distinctive character of slogans

When slogans convey vague information about the goods and services, it is less likely that the consumer will take the time to reflect on a commercial origin.



CP17 – STRUCTURE



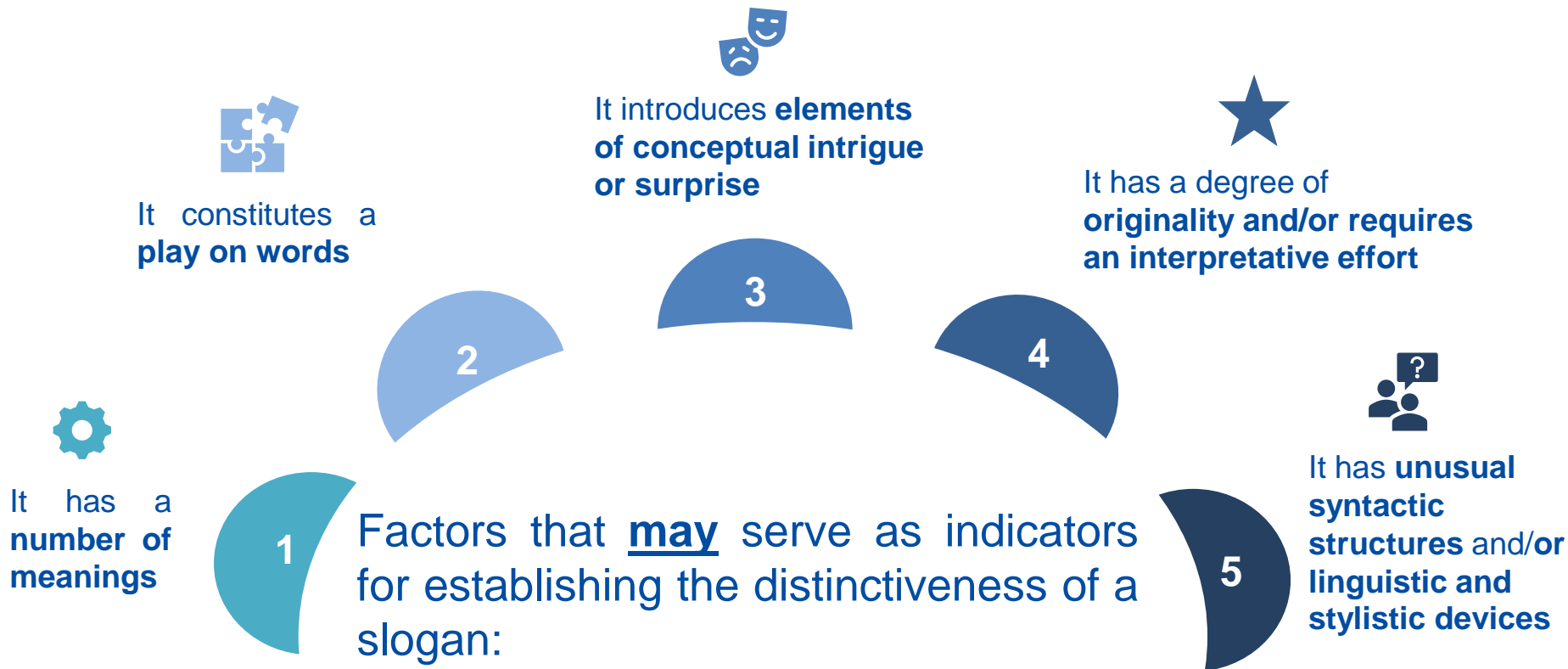
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2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan



2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan



The fact that one or more of the factors above apply **does not necessarily mean that a slogan is distinctive.**

An **overall assessment** of the factors must be performed to allow a conclusion that the slogan can function as an indication of the commercial origin of the goods and services although it may also convey a promotional formula.

2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan

2.3.1.1 Common understanding of factors



Number of meanings

A slogan with multiple meanings can engage the relevant public by allowing them to interpret it in different ways. This can create a deeper, more meaningful connection with the goods or services, making it easier to remember.

Sign

We make up your mind

Class 3: Cosmetics

‘Make up’ can mean to invent a story, to compensate for something lost, missed, or lacking, and, in the context of cosmetics, to apply makeup to oneself or another person. It also plays on the familiar idiom ‘**make up your mind**’, typically used in the context of decision-making, but shifting the subject to ‘**we**’, suggesting guidance to the consumer.

This multiplicity of meanings requires a degree of **cognitive effort**, making the expression **conceptually engaging and memorable**.

2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan

2.3.1.1 Common understanding of factors



Play on words

Using puns or wordplay can make a slogan more memorable by requiring an intellectual or mental exercise to comprehend the meaning and content.

Sign

Where dresses come true

Class 25: Dresses
Class 40: Tailoring services

This is a play on words on the familiar phrase ‘where dreams come true’. By substituting ‘dresses’ for ‘dreams’, the phrase creates an immediate connection with the original expression, while also conveying a sense of aspiration and fulfilment specific to the fashion and tailoring industry.

2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan

2.3.1.1 Common understanding of factors



Elements of conceptual intrigue or surprise

Introducing an element of surprise or an unexpected twist can capture attention, provoke curiosity and make the slogan more engaging by making the relevant public think about its meaning.

Sign

Software with a byte

Class 9: Computer game
software

Class 42: Software
development, software design

The slogan can be interpreted both literally (indicating a connection to digital technology) and metaphorically ('software with a bite'), implying that the software is sharp, powerful, or disruptive. This dual interpretation adds depth to the concept, suggesting that the software is more than just a tool—it carries a sense of personality, with an edge or attitude that sets it apart from the ordinary.

2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan

2.3.1.1 Common understanding of factors



Originality or resonance

A slogan which exhibits a degree of originality, and a certain resonance, will more likely capture the relevant public's attention.

Sign

Bottle the Chaos

Class 32: Energy drinks and sodas

The term 'chaos' conveys a sense of high energy, unpredictability, and intensity, which aligns well with the nature of energy drinks. The concept of 'bottling' chaos suggests the ability to capture and control something wild or unexpected. This combination of dynamic yet relatable language makes the slogan both original and impactful.

2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan

2.3.1.1 Common understanding of factors



Cognitive process or interpretative effort

A slogan that requires some thought or interpretation can be more engaging as it involves the public in a mental process, making the slogan more memorable.

Sign

Getting Words to Work

R 1242/20232

Class 35: Business advisory
services, writing publicity text

Class 41: Training

Class 42: Quality audits and technical
report preparation

The phrase ‘to get something to work’ is commonly employed in relation to mechanical or electrical devices. By applying this familiar structure to the aforementioned services in Classes 35, 41 and 42, the sign prompts the relevant public to engage in a cognitive process, encouraging them to reinterpret the slogan in a new context.

2.3.1 Non-exhaustive list of factors for the assessment of the distinctiveness of a slogan

2.3.1.1 Common understanding of factors



Unusual syntactic structures and/or linguistic devices

The use of unorthodox grammatical forms must be carefully assessed because slogans are often written in a simplified form. Using unique sentence structures, alliteration, metaphors, rhyme, etc. can make a slogan catchier and more memorable. However, the lack of grammatical elements (such as articles, pronouns, conjunctions, prepositions) or the inclusion of misspellings may not always be sufficient to make the slogan distinctive.

Sign

IT's APP2You

[DPMA No. 302012059605](#)

Class 9: Downloadable computer software

Class 38: Providing access to information
on the Internet

Class 41: Educational instructions

Class 42: Engineering services

This sign employs an unconventional syntactic structure by creatively altering the familiar phrase 'it is up to you'. The substitution of the word '**up**' for the word '**app**' and the use of the number '**2**' as a homophone for '**to**' adds a layer of wordplay which, **in combination in this particular case**, makes the mark memorable. This combination enhances the originality of the slogan while maintaining its intended meaning.

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2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD

As a general rule, slogans are objectionable under Article 4(1)(b) TMD if they are perceived as a mere promotional formula.

- That is to say, a mere advertising/laudatory/banal message highlighting the positive aspects of the goods and services concerned in a plain, direct and unambiguous way.

As a consequence, the slogan does not possess any aspect (see previous list of [factors](#)) that might enable the relevant public to identify that sign easily and immediately as a distinctive trade mark for the goods and services concerned.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**DREAM IT,
DO IT!**

Class 35: Promoting and providing professional assistance to individuals [...];

Class 36: Financial assistance to individuals and organisations [...];

Class 41: Educational services, namely publishing;

Class 45: Social services.

[T-186/07](#)

- **Main function:** inspirational or motivational statement.
- **Assessment of distinctiveness:** the combination of the two short phrases forms a **grammatically and syntactically correct sequence** that is logically coherent. Therefore, it **lacks the originality and resonance needed to trigger a cognitive process or interpretative effort in the relevant public that would enable them to remember the sign**. The presence of an exclamation mark does not alter that finding.

‘DREAM IT, DO IT!’ is merely a promotional message. It lacks distinctive character and, as a result, **will not be perceived as an indication of the commercial origin of the services**.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**Pioneering
for You**

Class 7: Machines for chemical industry [...]

Class 9: Scientific apparatus and instruments
[...]

Class 11: Lighting, [...]

Class 37: Construction; [...]

Class 42: Scientific and technological
services [...]

among other classes, goods/services.

- **Main function:** value statement.
- **Assessment of distinctiveness:** the use of the capital letter ‘Y’ in the word element ‘you’ does not confer any originality or resonance on the sign, but corresponds more to what is **normal in English**. The meaning of the sign is clear and does not leave any doubts nor require a minimum interpretation. Also, it does **not trigger a cognitive process** among the relevant public, which will perceive the sign as a typical advertising statement.

‘Pioneering for You’ is merely a **value statement**. It **lacks distinctive character** and will **not be perceived as an indication of the commercial origin of the goods and services**.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**CREATE DELIGHTFUL
HUMAN
ENVIRONMENTS**

Class 9: Electronic controller for adjusting
and controlling the tinting of insulated
glass window units [...]

Class 19:
Insulated glass window units [...]

Class 37:
Installation, maintenance and repair services
for glass units for windows [...]

among other goods/services.

- **Main function:** value statement.
- **Assessment of distinctiveness:** The sign respects **the rules of English syntax and grammar** refers to the goods and services covered by the sign, **lacking fancifulness** or any particular **originality**. Therefore, it will be perceived as mere **promotional formula**, without any interpretation effort being required.
- The **sign does not possess any aspect that might enable the relevant public to memorise that sign easily and immediately as a distinctive trade mark for the goods and services concerned**.

‘CREATE DELIGHTFUL HUMAN ENVIRONMENTS’ is merely a promotional and informative message about the goods and services, and will not be perceived as an indication of the commercial origin of the services.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**SO WHAT DO I DO
WITH MY MONEY**

Class 35: Providing information and
analysis relating to economic market data
[...]

Class 36: Investment management
services [...]

among other services.

- **Main function:** customer service statement.
- **Assessment of distinctiveness:** the sign constitutes a **banal expression in view of the nature of those services** and does not introduce **multiple meanings** to the expression. The word 'so' at the beginning **does not provide any originality to the sign.**

'SO WHAT DO I DO WITH MY MONEY' is **merely a customer service statement** that reflects the main values and beliefs about the service. **It lacks distinctive character and will not be perceived as an indication of the commercial origin of the services.**

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**Take Control of Your
Data**

Class 36: Financial, monetary and banking
services [...]

Class 38: Provision and rental of
telecommunications facilities and
equipment [...]

Class 42: Design services; IT services;
Science and technology services [...]

among other services.

- **Main function:** motivational statement.
- **Assessment of distinctiveness:** The expression uses a **common syntactic structure**. This clear message **lacks originality or resonance**. In addition, the grammatical structure allows the relevant public to easily understand its meaning, **without any hidden interpretations or meanings**.

‘Take Control of Your Data’ is merely a **motivational statement**. It **lacks distinctive character** and, as a result, **will not be perceived as an indication of the commercial origin of the services**.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**Don't risk your home
safety**

Class 36: Insurance services

- **Main function:** motivational statement.
- **Assessment of distinctiveness:** The sign conveys a clear message that is easy to understand. Its simplicity and **lack of unusual structures or hidden meanings** ensure that the message is direct and unambiguous. It does **not have elements of surprise or originality**, and highlights the importance of home safety, **without any further cognitive process**. It does not have a number of meanings and lacks **conceptual intrigue**.

‘Don’t risk your home safety’ is merely a **motivational statement**. It **lacks distinctive character** and, as a result, **will not be perceived** as an indication of the commercial origin of the services.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**It is already there
before
you even
need it**

Class 39: Parcel delivery

- **Main function:** customer service statement.
- **Assessment of distinctiveness:** The sign provides a clear message that is easy to understand. Its simplicity and **lack of unusual structures or hidden meanings** ensure that the message is direct and unambiguous. It **does not have elements of surprise** or originality and communicates the exceptional speed and reliability of the delivery service, **without any further cognitive process**.

The sign is **merely a customer service statement**. It **lacks distinctive character** and, as a result, **will not be perceived as an indication of the commercial origin** of the services.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**You take the picture;
we edit it to
perfection**

Class 41: Photography

- **Main function:** value statement.
- **Assessment of distinctiveness:** The sign provides a clear message. Its simplicity and **lack of unusual structures** ensure that the message conveyed is direct and unambiguous. There is also a **lack of originality**, the relevant public has no need to make any interpretative effort, and can imagine the services offered so there is also a **lack of conceptual intrigue**.

‘You take the picture; we edit it to perfection’ is **merely a value and descriptive statement**. It **lacks distinctive character** and, as a result, **will not be perceived** as an indication of the **commercial origin** of the services.

2.3.2 Examples of slogans

2.3.2.1 Examples of slogans that are objectionable under Article 4(1)(b) TMD



Sign:

**Save
with
us**

Class 36: Debt advisory services

- **Main function:** motivational statement
- **Assessment of distinctiveness:** The sign's **simplicity and lack of unusual structures** ensure that the message is direct and unambiguous. It is immediately comprehensible as it does **not** contain any **misspellings or variations**. The sign already alludes to the services offered, thus it **lacks originality**, and the relevant public has no need to make any interpretative effort. In addition, they can imagine the services offered so there is also a **lack of conceptual intrigue**.

The sign is **merely a motivational statement. It will not be perceived as an indication of the commercial origin of the services.**

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD

Slogans are deemed to be distinctive if, in addition to their promotional function:

- **the public perceives them as simultaneously serving as an indication of the commercial origin of the goods or services** in question.

As slogans in this case are more than a mere advertising message highlighting the positive aspects of the goods and services, the relevant public will perceive them as a badge of origin.

- As a result, such slogans can distinguish the applicant's goods or services from those with a different commercial origin.

To establish the requirement of distinctiveness, at least one or more factors must be met.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD

 **Sign:**

**BEAUTY NEEDS TO
TRAVEL**

Class 3: Soaps; perfumery,
essential oils; [...];

Class 16: Packing, cushioning and
stuffing materials of paper [...];

Class 35: Advertising [...];

Among others

[EUTM 002874071](#)

- **Assessment of distinctiveness:** The sign conveys an **abstract message** referring to beauty.
- When the sign is used in relation to the goods and services, the relevant public will have to place it in a certain context, which requires **an intellectual effort**.
- This also evokes **conceptual intrigue** around the action of beauty travelling, bringing **originality** as beauty is a subjective concept and the idea of beauty travelling is not common.

The sign has the minimum **degree of distinctive character**. The relevant public will perceive the sign as an indication of the commercial origin of the goods and services.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

**As Green As White
Can Be**

Class 1: Chemical preparations
[...]

Class 2: Mineral pigments [...]

Class 5: Calcium salts for
pharmaceutical use

among other classes.

- **Assessment of distinctiveness:** the relevant public will have to place this **combination of words** in a certain context, which triggers an **intellectual effort** in the mind of the relevant public in order to understand and reflect on the meaning of the sign.
- The sign also evokes an element of **conceptual intrigue**, as the relevant public has to imagine the purpose of certain colours.
- The relevant public purchasing the goods bearing the sign can effortlessly repeat the experience on a subsequent purchase, because the sign's catchy message will leave a lasting trace in the memory.

The sign has **inherent distinctive character**, and the relevant public will perceive the sign as an indication of the commercial origin of the goods.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

What do clouds smell like?

Class 42: Cloud computing services

- **Assessment of distinctiveness:** the relevant public will have to place this **combination of words** in a certain context, which triggers an **intellectual effort**.
- The sign also evokes an element of **conceptual intrigue**, as the relevant public would pause to wonder what clouds do smell like. The relevant public also has to ascertain whether the sign has **any meaning** for cloud computing services.

The sign has **inherent distinctive character**, and the relevant public will perceive the sign as an indication of the commercial origin of the services.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

**Colder than your ex's
heart**

Class 32: Beer

- **Assessment of distinctiveness:** The sign does not convey any information about the goods, namely beer. Therefore, the relevant public will have to place this **combination of words in a certain context**, which requires an **intellectual effort**.
- The sign will make the relevant public think about the meaning behind the slogan, setting off a **cognitive process**.

The sign has a **distinctive character**, and the relevant public will perceive the sign as an indication of the commercial origin of the goods.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

**LOOSEN
UP
IN THE
CLOUDS**

Class 39: Air travel

- **Assessment of distinctiveness:** When the relevant public encounters the sign, they will have to make some **effort to interpret** the meaning, and they might think that the air travel services offered will be a relaxing experience.

The sign has **inherent distinctive character**, as the relevant public will perceive it as an indication of the commercial origin in connection with the air travel services being offered.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

**Elevate
Your
Senses**

Class 7: Elevators

- **Assessment of distinctiveness:** The sign has a **number of meanings**, as the word 'elevate' has to be interpreted as transforming the subject into a different state of mind.
- The sign also invites the relevant public to make an **intellectual effort** due to the play on words.
- It may also trigger a **cognitive effort** as it can also be interpreted as a way of enjoying the experience that the goods provide.

The sign has a **distinctive character**, and the relevant public will perceive the sign as an indication of the commercial origin of the goods.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

**Trust the Silence.
Hear What's Next**

Class 9: Audio devices,
headphones, AI interfaces

Class 41: Guided audio content,
podcasts, educational material

- **Assessment of distinctiveness:** The expression is suggestive. It conveys the idea that silence is an integral part of the experience, which could relate to high-quality sound systems or noise-cancelling technology. This indirect messaging requires a degree of **cognitive effort** to interpret, enhancing its impact and memorability.
- The sign does not immediately inform the relevant public about specific technical features but requires an **intellectual engagement** to fully appreciate the concept

The sign has a **distinctive character**, and the relevant public will perceive the sign as an indication of the commercial origin of the goods.

2.3.2 Examples of slogans

2.3.2.2 Examples of slogans that are non-objectionable under Article 4(1)(b) TMD



Sign:

**Eyeing
the
future**

Class 44: Optometry services

- **Assessment of distinctiveness:** The sign does not convey clear information about the services. Therefore, the relevant public will have to place this **combination of words in a certain context**, which requires an **intellectual effort**.
- The sign will make the relevant public think about the meaning behind the slogan, setting off a **cognitive process**.

The sign has a **distinctive character**, and the relevant public will perceive the sign as an indication of the commercial origin of the services.

3

CP17 IMPLEMENTATION



CP17 Implementation



Access the CP

<https://www.euipn.org/en/practices>



Publication date



16/02/2026



Implementation period (max. 3 months after publication)



16/02/2026 until 16/05/2026

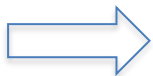
CP17 Common Practice

Overview of implementations

Overview of implementations of the CP17 Common Practice			
Office	Implementation date	The Common Practice will be applicable to:	
		Proceedings <u>pending on</u> the implementation date	Proceedings <u>initiated after</u> the implementation date
AT	16.02.2026		X
BG	16.05.2026	X	X
BX	16.02.2026	X	X
CY	16.05.2026		X
CZ	16.05.2026		X
DE	16.02.2026	X	X
DK	01.03.2026	X	X
EE	16.02.2026	X	X
ES	16.04.2026		X
EUIPO	16.02.2026	X	X
FI	16.02.2026	X	X
FR	16.02.2026		X
GR	16.03.2026		X

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HU	01.03.2026	X	X
IE	16.02.2026		X
IT	01.03.2026		X
LT	01.04.2026	X	X
LV	16.02.2026	X	X
MT	16.02.2026		X
PL	16.05.2026		X
PT	16.02.2026		X
RO	27.04.2026	X	X
SE	16.02.2026	X	X
SI	16.02.2026		X
SK	16.02.2026	X	X

Where can I find the Common Practices and related documents?



www.euipn.org

- The EUIPN's website
- Information on ECPs, Tools, Practices, events and news
- Available in 23 EU languages

EU Common Practices

Best practices for a more efficient, predictable and accessible European IP system



Practices page:

- Contains all Common Practices, categorised into **trade marks** and **designs**
- Each Common Practice page also contains any **related documents** such as training materials.

Further information on EUIPN.org and webinars

	Common Practices and other materials	Webinars
CP1	Acceptability of Classification Terms and the General Indications of the Nice Class Headings	
CP2	Interpretation of Scope of Protection of Nice Class Headings (formerly Implementation of 'IP Translator')	
CP3	Distinctiveness - Figurative Marks containing descriptive/non-distinctive words	Distinctiveness - Figurative marks containing descriptive/non-distinctive words
CP4	Scope of Protection of Black and White Marks	Scope of Protection of Black and White Marks
CP5	Relative Grounds – Likelihood of Confusion (Impact of Non-Distinctive/Weak Components)	Relative Grounds of Refusal – Likelihood of Confusion (Impact of non-distinctive/weak components)
CP6	Graphic Representation of Designs	Graphic representation of designs
CP7	Harmonisation of Product Indications	Harmonisation of Product Indications (Phase 1) Harmonisation of Product Indications (Phase 2)
CP8	Use of a trade mark in a form differing from the one registered	Use of a mark in a form differing from the one registered

Further information on EUIPN.org and webinars

	Common Practices and other materials	Webinars
CP9	Distinctiveness of three-dimensional marks (shape marks) containing verbal and/or figurative elements when the shape is not distinctive in itself	Distinctiveness of shape marks
CP10	Criteria for assessing disclosure of designs on the internet	Disclosure of design on the Internet
CP11	New types of Marks: Examination of Formal Requirements and grounds for refusal	New Common Practices 2021: new types of trade marks and appeal proceedings
CP12	Evidence in Trade Mark Appeal Proceedings: Filing, structure and presentation of evidence, and the treatment of confidential evidence	New Common Practices 2021: new types of trade marks and appeal proceedings
CP13	Trade mark applications made in bad faith	Common Practice on trade mark applications made in bad faith (CP13)
CP14	Trade marks contrary to public policy and/or to accepted principles of morality	Common practice on trade marks contrary to public policy or to accepted principles of morality (CP14)
CP15	Comparison of goods and services: treatment of terms lacking clarity and precision and common interpretation of Canon criteria and other factors	Common practice on Comparison of Goods and Services (CP15)
CP16	Signs describing the subject matter of goods and/or services	
CP17	The distinctive character of slogans	



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THANK YOU