



European Communities Trade Mark Association

Annex 1

### SURVEY OF HARMONIZATION COMMITTEE INTO THE PRACTICE OF THE NATIONAL PATENT/TM OFFICES (NPTO) REGARDING THE ISSUE WHETHER NPTO REGARDS A TM COVERING ALL CLASS HEADINGS OF A SPECIFIC CLASS TO PROVIDE PROTECTION FOR

- a) all goods/services falling into the class which class headings have been claimed
- or
- b) only for the goods/services of the class headings claimed plus any goods/services which can be subsumed under those class headings under the dictionary meaning of the class headings (e.g. the item “spatula” might be subsumed under the class heading “hand tools and implements (hand-operated tools)” in Class 8) -

Status: 12.10.2010

COUNTRY	a)	b)	Supplemental Question: Does your NPTO accept claim for “all goods in class “?
AUSTRIA		X	NO
BENELUX		X	NO
BULGARIA		X	NO
CYPRUS		X	YES
CZECH REPUBLIC		X	NO
DENMARK		X	NO Until around 1997 it was possible to claim all goods/services, and numerous registrations still maintain full class coverage.



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COUNTRY	a)	b)	Supplemental Question: Does your NPTO accept claim for “all goods in class “?
			There is no demand that such existing registrations with full class coverage be specified, e.g. at renewal. thus, there is still a number of valid “all goods/services in class” registrations on the Danish register.
ESTONIA		X	NO former legislation allowed the wording “all goods/services in class” and there are still valid trademark registrations with the listing “all goods/services in the cass” in the Estonian Register
FINLAND	X		NO
FRANCE		X	NO
GERMANY		X	NO
GREECE		X	NO
HUNGARY	X		NO
IRELAND		X	NO
ITALY	X		YES
LATVIA		X	NO
LITHUANIA	X		NO
MALTA	X		NO



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COUNTRY	a)	b)	Supplemental Question: Does your NPTO accept claim for “all goods in class “?
POLAND	There is no unequivocal answer to this question. Each case is examined individually, depending on the class concerned. For example, services in class 36 must always be specified. In this regard, the decisions of the PPO examiners may differ from case to case.		NO
PORTUGAL		X	NO
ROMANIA	X		NO
SLOVAKIA		X	NO
SLOVENIA		X	NO
SPAIN		X	NO
SWEDEN		X	NO
UK		X	NO