

## Impact of „IP Translator“-Decision

*By Dr. Jürgen Brandstätter, BMA Brandstätter Rechtsanwälte GmbH, Austria*

In its decision „IP Translator“, C-307/10, of June 19, 2012, hotly debated at the time, the European Court of Justice by interpreting Directive 2008/95/EC of the European Parliament and of the Council of October 22, 2008 to approximate the laws of the Member States relating to trademarks, dealt with the requirements for the registration of goods and services for a trade mark.

The decision makes it clear that the directive 2008/95/EC to approximate the laws of the member states relating to trade marks has to be interpreted in a way that the use of general indications which are part of the class headings of the Nice Classification may be used to describe goods and services for which protection is sought as long as the general indications are clear and precise. The ECJ also pointed out in its decision that goods and services for which protection is sought, have to be described by the applicant in a way that the scope of the trade mark protection might be inferred by all parties concerned from the application alone.

The Austrian Patent Office and the German Patent and Trademark Office, in coordination with the Swiss Institute for Intellectual Property, have published a “Common Position” with regard to this decision. It states clearly that these institutions will continue the established procedure and that each national agency will assess in each individual case, based on the actual wording, whether the chosen description from the register for goods and services meets the requirement of clearness and precision.

“Bottom Line” of the decision as well as the Common Position is that the registration for goods and services has to be made with precision.

***For more information please contact:***



Dr. Jürgen Brandstätter  
Managing Partner  
BMA Brandstätter Rechtsanwälte GmbH  
[juergen.brandstaetter@bma-law.com](mailto:juergen.brandstaetter@bma-law.com)  
<http://www.bma-law.com>