

**FOI Release**  
***Information released under the Freedom of Information Act***

**Title:** Motion, hologram, scent and multimedia trade marks

**Date of release:** 23 May 2019

**Information request:**

Examples of declined and accepted trademarks falling in the above-mentioned categories. For marks declined for a lack of distinctiveness could you please include the reasoning behind the decision.

**Information released:**

Please find attached a list of the non-standard applications we have received since the law changed in January [2019] to permit acceptance of such marks. The list indicates the examination stage of each mark, the details of which can be viewed on our website at: <https://trademarks.ipo.gov.uk/ipo-tmcase> . The list was compiled on 15 May.

I regret that we cannot disclose further information about marks that have not yet been published nor details of the reasons behind decisions to decline applications before publication stage. This is because the Trade Marks Act 1994 prohibits the disclosure of documents before publication, other than the application details we publish on our database. The Freedom of Information (FOI) Act 2000 does not override that prohibition and section 44 of the FOI Act provides the relevant exemption.

In due course there may be published hearings decisions on specific cases of such marks, but they may not arise for some time yet. You may find some brief guidance on these novel marks for our examiners in the trade marks manual, published at: <https://www.gov.uk/guidance/trade-marks-manual/the-examination-guide> , but practice information is still very limited.

You do have a right of inspection of documents relating to published trade marks, or you can order copies, but we do charge a fee for the service of £5 per case file.