

*March 29, 2016*

***Breakthrough in protection of a single colour in Russia***

Dear All,

As we know, colour usually attracts special attention of the consumers when choosing particular goods and/or services. The situation is similar with the consumers all over the world.

Thus, it seems more than logical that companies will try to obtain exclusive rights to the specific colour to increase sales. Legislations in many countries provide for possibility of protection colour as a Trademark. However, a single colour Trademark registration is still exceptional.

Why? The most widely spread point of view is that the number of colours is limited and providing monopoly to a single colour to only one company may lead to the situation when there will be no "spare" colours left. Another objective reason – rather complicated process of confirmation distinctiveness, one of the mandatory conditions for registration a Trademark.

Speaking of Russia, legislation does provide for the opportunity to protect colours as Trademarks, along with other less typical marks, like: sound, smell or light.

While combination of several colours is not uncommon (the most famous one is bicoloured Trademark belonging to the leading Russian telecommunication company VimpelCom that is doing business under black and yellow brand), only some companies managed to succeed in protection of a single colour.

Up to recent times, we might have spoken of only one single colour Trademark, which was provided legal protection. It was the original pink used by Reckitt Benckiser with regard to specific goods of class 03 of the International Classification of Goods and Services: preparations for bleaching; preparations for cleaning carpets; preparations for removing stains; all these products may both contain and not contain disinfectant additives.

If compared to the ordinary Trademark registration, which usually takes a year, the above-mentioned one took twice longer.

If colour is such a distinctive characteristic of the brand, why is it so complicated to protect it?

To be honest proving distinctiveness is not as simple as it might seem. To acquire distinctiveness a designation should be intensively used in the market within some period of time and became well recognizable by the consumers.

At the beginning of the year 2016 three big Russian companies from different businesses obtained protection to those specific colours their businesses are associated with among the consumers.

Russian Patent Office registered red, green and blue colors as Trademarks of "MTS", "Sberbank" and "Gazprom" correspondingly. Sberbank obtained protection of "green, Pantone 349", MTS - "Red, Pantone 485", from "Gazprom" - "blue, Pantone 300CV».

Who will be the next to repeat success?

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We hope you will find this information helpful. Should you have any questions, please do not hesitate to contact **Maria Ostashenko** ([mostashenko@alrud.com](mailto:mostashenko@alrud.com)), Partner of ALRUD Intellectual Property practice.

Yours faithfully,

**ALRUD Law Firm**

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