

TRADEMARK RISK ASSESSMENT

Pre-filing registrability and conflict review

PROPOSED WORD MARK	[WITHHELD]
TARGET TERRITORY	European Union (EUIPO)
NICE CLASSES	9 and 42
CLIENT	Client entity (anonymized)
PREPARED FOR	Omitted
ASSESSMENT DATE	Illustrative sample

PRELIMINARY CLEARANCE OPINION

This sample demonstrates how a preliminary trademark review can present registrability, conflict and launch risks. It is not a current search result, legal opinion, or assessment for the viewer. Names and case-specific details have been removed or generalized.

1. Executive assessment

The proposed word mark is short and potentially capable of distinguishing software services. The main issue in this illustrative scenario is possible third-party conflict: an independent AI application operates in an adjacent consumer-recommendation field. This creates overlap in product purpose, app channels and audience, subject to live verification.

RISK AREA	ASSESSMENT
Overall brand-adoption risk	HIGH - reconsider before launch
Absolute-ground risk	LOW
EU register / opposition risk	MEDIUM - full live search required
Commercial conflict risk	HIGH

Bottom line

A filing may be technically possible, but adopting an exact or highly similar name in a closely related field can create practical market and opposition risks even where current registration status is unclear.

Recommended decision

- Pause filing and public launch pending official-register and ownership checks.
- Investigate the closest use, its filing portfolio, first-use dates, territorial reach and expansion plans.
- Consider a more distinctive replacement name and clear it before investment in branding.
- Do not assume a logo alone will resolve a conflict over the verbal element.

2. Instructions and proposed specification

The anonymized brief concerned an AI-enabled mobile service providing personalized consumer recommendations and decision support based on user preferences and context. Product identifiers and client-specific instructions have been generalized.

CLASS	CLIENT SCOPE (GENERALIZED)	ILLUSTRATIVE FILING LANGUAGE
9	Downloadable software, mobile apps, AI and chatbot software for personalized recommendations.	Downloadable mobile application software featuring artificial intelligence for generating personalized recommendations and decision-support information; downloadable chatbot and machine-learning software for the same purpose.
42	SaaS and temporary use of non-downloadable AI and machine-learning software.	Software as a service [SaaS] featuring artificial intelligence and machine-learning software for generating personalized recommendations and decision-support information; providing temporary use of non-downloadable software for the same purpose.

Drafting observations

- Avoid broad terms such as “software” or “AI software” without a defined purpose; overly broad wording can increase conflict exposure.
- Class 9 should cover downloadable software; Class 42 should cover hosted or non-downloadable software and SaaS.
- If the service includes additional regulated, transactional or marketplace functions, review whether further classes or regulatory analysis are needed.

Applicant

Client entity and ownership details omitted. Applicant name, address and ownership chain should be checked immediately before filing.

Scope of this review

This sample illustrates inherent registrability, selected similarity indicators, commercial use, goods/services proximity and mitigation. It is not an infringement or freedom-to-operate opinion.

3. Absolute grounds: inherent registrability

An EUIPO examiner assesses whether a sign is distinctive, descriptive, customary, deceptive or otherwise prohibited for the claimed goods and services. The sign is assessed as a whole and across relevant EU languages.

ISSUE	ILLUSTRATIVE ASSESSMENT	RISK
Distinctiveness	A short coined or suggestive word may be capable of distinguishing software where it has no direct generic meaning for the claimed services.	LOW
Descriptiveness	The sign may evoke an adjacent concept for some consumers, but a hint or association does not necessarily directly describe the software.	LOW
Customary character	Use as a name or by unrelated businesses does not by itself establish that the term is customary for the relevant software.	LOW
Deception / public policy	No inherent concern identified in this scenario. Product claims should remain accurate and appropriately qualified.	LOW

ABSOLUTE-GROUND CONCLUSION	LOW risk - registrable in principle
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Strength of protection

Short word marks can have a narrower practical scope where similar terms are used by others. Small spelling changes may still create confusion when pronunciation and software purpose coincide. A live review is needed before relying on the assessment.

4. Earlier-right and market-conflict review

The preliminary scenario includes an exact-word registration indexed in an unrelated services area and several commercial uses of similar or identical names. The central concern is a third-party AI application in an adjacent consumer-recommendation field. All parties, marks, register identifiers and source links have been removed.

GENERALIZED FINDING	RELEVANCE	IMPACT
Exact-word EU registration in an apparently different professional-services context.	The original specification and live status require official verification. Word identity may still matter, depending on the scope and legal basis.	MEDIUM
Independent AI application with consumer recommendation and decision-support functions.	Potential overlap in product purpose, users, mobile-app channels and AI functionality. Current EU status requires verification.	HIGH
AI assistant / SaaS platform in a separate commercial field.	Different focus may reduce direct proximity, but contributes to a crowded brand landscape and discoverability concerns.	MEDIUM
Restaurant technology and related software using a similar name.	Adjacent software channels and functions; territorial rights and ownership require investigation.	MEDIUM-HIGH

Illustrative confusion analysis: proposed mark vs. adjacent AI use

- **Visual and aural:** exact or near identity may dominate; capitalization often makes little difference for a word mark.
- **Conceptual:** both offerings may function as AI tools supporting personalized consumer decisions.
- **Goods and services:** downloadable apps, AI software and SaaS may overlap in function and delivery.
- **Consumers and channels:** app users, online promotion, app stores and software discovery channels may coincide.

5. Risk matrix and filing strategy

ISSUE	CLASS 9	CLASS 42	OVERALL
Absolute grounds	LOW - potentially distinctive for downloadable software.	LOW - potentially distinctive for SaaS.	LOW
Exact registered right	MEDIUM pending scope verification.	MEDIUM pending scope verification.	MEDIUM
Exact or close market use	HIGH - potential app-name and function overlap.	HIGH - potential service-name and purpose overlap.	HIGH
Launch / platform risk	HIGH - app-store and search confusion possible.	HIGH - online brand collision possible.	HIGH

Required clearance searches

- Search exact and similar spellings in EUIPO/TMview, WIPO and relevant EU national registers.
- Investigate owners and related portfolios for the closest AI, SaaS and adjacent software uses.
- Review figurative marks, pending applications, company names, domains, app-store listings and evidence of unregistered use.
- Confirm filing dates, priority, specifications, status, proof-of-use exposure and territorial coverage.

Safer strategy

The strongest route is often to adopt a more distinctive name before significant launch investment. If the proposed name is retained, consider a focused specification and a distinctive house mark, while obtaining advice on the identified uses.

FILING RECOMMENDATION	HOLD / RECONSIDER BRAND
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6. Conclusions and action plan

PRIORITY	ACTION	PURPOSE
1	Run live official-register searches for the proposed mark and close variants.	Establish enforceable earlier-right exposure before filing.
2	Investigate the closest commercial uses, including first use, ownership, filings and territorial availability.	Assess opposition, infringement and market-confusion risk.
3	Develop a more distinctive replacement shortlist and clear it before branding work.	Reduce legal, app-store and search-engine collision risk.
4	If the mark is retained, narrow Classes 9 and 42 to the actual functions and consider a distinctive house mark.	Limit unnecessary overlap and improve differentiation.
5	Preserve naming-development evidence and document the clearance decision before filing or launch.	Support governance and any later dispute response.

Client-facing conclusion

"The proposed mark appears registrable in principle, but this illustrative scenario presents a high practical conflict risk. A third-party software use may overlap in purpose, audience and channels, and other similar uses may affect market clarity. Complete a live official-register review and consider a more distinctive name before filing or launch."

Decision

Do not proceed unconditionally. Consider a filing only after the exact-name conflicts have been investigated and the client has consciously accepted the remaining commercial and legal risk.

7. Sources, methodology and disclaimer

Source categories reviewed in the underlying matter

- Official EU and national trade-mark register search environments.
- International registration databases.
- Public company, product, website, app-store and domain materials.
- Client-provided product description and filing scope (identifying details omitted).

Specific names, record numbers, URLs, correspondence references and dates have been removed. This sample is not a reproducible search record.

Methodology

The review considers visual, aural and conceptual similarity; distinctiveness; identity or proximity of software and SaaS functions; users and channels; territorial effect; apparent register status; market use; and practical consequences of opposition, infringement or brand confusion. Findings must be verified against current official records.

Limitations

- Public indexing may omit recent, image-based, national or poorly indexed filings and can lag behind official records.
- Commercial use outside the EU is not automatically an enforceable EU right, but may create expansion, platform, domain and passing-off risks.
- This sample does not establish ownership, priority or enforceability of any third-party right and does not replace a live professional clearance search.

Disclaimer

This anonymized document is an illustrative sample based on a preliminary assessment. Case-specific details have been removed or generalized; certain wording has been adapted for demonstration. It is not a legal opinion, guarantee of registration or substitute for advice from an EU-qualified trade-mark professional. Register data and market use can change. No filing or launch decision should rely on this sample.

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