

## THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

<b>Country</b>	<b>Samoa</b>
<b>Definition of Trademark</b>	
1. According to the applicable legislation or to the practices of the Office, marks are defined as	
a) Visually perceptible signs	No
b) Signs capable of being represented graphically	Yes
c) Any sign capable of distinguishing the goods and services of one undertaking from those of another	Yes
2. Signs excluded from registration	
Are any signs excluded from registration as a mark?	Yes
Please, specify:	IP Act 2011 (Section 47 (d) (e) (f) (g) - If it is identical or similar to an armorial bearing, flag, and other emblem, a name or abbreviation or initials of the name of , or official sign or hallmark adopted by, any State, inter-governmental organisation or organisation created by an international convention, unless authorised by the competent authority of the State or organisation, or if it is identical with, or confusingly similar to, or constitutes the common translation of, a mark or trade name which is well known in Samoa for identical or similar goods or identical or similar goods/services of another person. If it is identical to a mark belonging to a different proprietor and already on the Register, or with an early filing.
<b>Acceptable Types of Marks and Means of Representation</b>	
<b>Types of marks</b>	
3. Is the applicant required to specify in the application the type of mark for which registration is requested?	Yes
4. Is a description of the mark [one option only]	b) Optional?
5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application?	No
One option only:	
Please, specify:	
6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:	
a) Word marks	Yes
i. Does the Office require the use of a standard character for the representation of word marks?	No
ii. Where applicable, does the Office require that words be translated into the language used by the Office	Yes
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	Yes
Please specify the font to be used to represent a standard character mark:	
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	IP Regs 2015 cl.5 - Trade Marks should be concise and clear.
c) Hologram marks	Yes
Please, specify how they must be represented:	Applicant to provide a copy of the Mark and description of its features.
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	Applicant to provide a copy of the Mark and

	description of its features, and three-sided views of the mark.
i. Product packaging	Yes
Please, specify how it must be represented:	Applicant to provide a copy of the Mark and description of its features, and three-sided views of the mark.
ii. Product shape	Yes
Please, specify how it must be represented:	Applicant to provide a copy of the Mark and description of its features, and three-sided views of the mark.
e) Color marks	Yes
Please, specify how they must be represented	Applicant to provide a copy of the Mark and description of its features.
i. A single color	Yes
Please, specify how it must be represented:	Applicant to provide a copy of the Mark and description of its features.
ii. A combination of colors	Yes
Please, specify how it must be represented:	Applicant to provide a copy of the Mark and description of its features.
f) Sound marks	Yes
Please, specify how they must be represented	Applicant to provide a copy of the Mark and description of its features and musical notation.
i. A musical sound	Yes
Please, specify how it must be represented:	Applicant to provide a copy of the Mark and description of its features and musical notation.
ii. Any sound	Yes
Please, specify how it must be represented:	Applicant to provide a copy of the Mark and description of its features and musical notation where suitable.
g) Motion marks	Yes
Please, specify how they must be represented:	Applicant to provide a visual representation for example, a clip and the description where appropriate.
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	Applicant to provide a visual representation for example, a clip and the description where appropriate.
i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)	Yes
Please, indicate what other types of marks are accepted:	Any mark that is capable of being represented graphically and capable of distinguishing the goods and services of an owner
Please, specify how each of the other types of marks indicated above must be represented:	A combination of description, representation of mark, photographs, evidence that can be used to prove the registrability of mark
Format and Means to File an Application with the Office	
7. Which of the following are acceptable formats to file an application with the Office?	
a) A paper form	No
b) The image of a paper form (e.g., PDF, JPG)	Yes
c) Structured data (e.g., e-filing, XML files)	Yes
8. How does the applicant submit the application?	
a) On a physical support (e.g., paper, CD-ROM or USB device)	No
b) By fax	No
c) Electronically, other than fax (e.g., by e-mail, by e-filing)	Yes
9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?	Yes
Format(s) in which the Office accepts the electronic representation of the mark	
10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?	Yes

Please select below the format accepted by the Office	
a) GIF	Yes
b) JPEG	Yes
c) PNG	No
d) TIFF	No
e) Other(s)	No
Please, specify in which other format(s):	
When the representation consists of more than one digital still image:	
a) all images must be included in one file	Yes
b) each image may be in a separate file	No
11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)?	
Please, select below the format accepted by the Office	
a) MID	No
b) MP3	Yes
c) WAV	No
d) Other(s)	No
Please, specify in which other format(s):	
12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound?	
Please, select below the format(s) accepted by the Office	
a) AVI	Yes
b) GIF	Yes
c) MOV	No
d) MP4	Yes
e) MPEG	No
f) WMV	No
g) Other(s)	No
Please, specify in which other format(s):	
13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound?	
Please, select below the format(s) used by the Office	
a) AVI	Yes
b) MP4	Yes
c) MPEG	No
d) WMV	No
e) Other(s)	No
Please, specify in which other format(s):	
Formats and standards used by the Office to store, manage and publish electronic representation of marks	
SCRx3421	
14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database?	
Yes	
15. Is the electronic representation of the mark available to the public?	
Yes	
How can the public access the electronic representation of the mark?	
a) At the Office only (e.g., a dedicated computer terminal)	No
b) Online (e.g., online database)	Yes
16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:	
a) one or more digital still images	JPEG, MP3
b) a digital recording of sound only	MP3
c) a digital recording of moving images without sound	MP3, AVI
d) a digital recording of moving images and sound	MP3, AVI