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GUIDELINES FOR THE ELECTRONIC MANAGEMENT OF THE FIGURATIVE ELEMENTS OF TRADEMARKS

Document prepared by the Secretariat

1. At the seventh session of the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT), held in May/June 2006, the Leader of the Trademark Standards Task Force reported on the progress made with regard to Task No. 20 (“Prepare, for adoption as a WIPO standard, a recommendation for the electronic management of the figurative elements of trademarks”), including the results and tentative conclusions of a survey concerning formats for figurative elements of trademarks in use by industrial property offices (IPOs). The SDWG agreed that the Trademark Standards Task Force should continue to analyze the survey results, as well as prepare recommendations concerning the electronic management of the figurative elements of trademarks. (See document SCIT/SDWG/7/6, and paragraph 44 of SCIT/SDWG/7/9.)
2. At its eighth session, held in March 2007, the SDWG invited the Trademark Standards Task Force to review the proposal for the new WIPO standard referred to in Task No.20 to include images, photographs and drawings related to patent documents and industrial designs within the scope of the said Task. (See paragraph 73 of document SCIT/SDWG/8/14).

3. Considering that the above-mentioned survey provided information only on trademarks, and the time and effort it would take for the preparation of a standard for the figurative elements, images, photographs and drawings of patents, trademarks and industrial designs, the Leader of the Task Force proposed, firstly, to focus attention on the figurative elements of trademarks only, as requested in Task No.20. Then, after reaching agreement on the new WIPO standard for trademarks, the Task Force would address the discussions on how to open the new standard to patents and industrial designs. The Task Force carried out its discussions on the basis of this proposal by its Leader.

4. Taking into consideration the results of the survey referred to in paragraph 1, above, the Trademark Standards Task Force has prepared a draft proposal for a new WIPO standard regarding the electronic management of the figurative elements of trademarks. The proposal, which is reproduced in the Annex to this document, was submitted by the Korean Intellectual Property Office, as Leader of the Task Force, for consideration and approval by the SDWG at its ninth session.

5. In the course of the preparation of the proposal for the new standard, the Trademark Standards Task Force also discussed the importance of addressing other issues related to the new standard such as color management, online publication and digital image formats regarding the figurative elements of trademarks. These issues are still under discussion by the Task Force.

6. *The SDWG is invited:*

(a) to formally adopt “WIPO Standard ST.67 - Guidelines for the electronic management of the figurative elements of trademarks” as the name of the proposed standard; and

(b) to consider and approve WIPO Standard ST.67, which is reproduced in the Annex to this document.

[Annex follows]

ANNEX

WIPO STANDARD ST.67

GUIDELINES FOR THE ELECTRONIC MANAGEMENT OF
THE FIGURATIVE ELEMENTS OF TRADEMARKS

[Version 1.0](#)

Proposal prepared by the SDWG Trademark Standards Task Force

INTRODUCTION

1. The present Guidelines aim at providing guidance to industrial property offices and other suppliers of trademark information on how to electronically store, display, and manage the figurative elements of trademarks, as well as the software and hardware used in conjunction.

2. These Guidelines have been established after much consultation within the respective working group and a survey to establish the existing practices to electronically manage the figurative elements of trademarks by WIPO Member States. It is recognized that various national legislation may preclude certain recommendations within these Guidelines. Where these Guidelines conflict with national legislation, the national legislation must be followed.

DEFINITIONS

3. For the purposes of these Guidelines, the following expressions are used:

(a) "figurative element": normally an element of a trademark that is not exactly described in words, for example a logo, shape, or color scheme;

(b) "color balance": an adjustment of the relative amounts of red, green, and blue primary colors in an image such that neutral gray is reproduced correctly;

(c) "color calibration": a method to adjust the colors of one output device to match that of another;

(d) "color correction": a process of altering and enhancing the color of an electronic image;

(e) "color electronic image": a computer data file that when opened by a proper program will display an image using colors based on a specific color profile;

(f) "color model": a mathematical model used to describe colors as values of three or four component colors;

(g) "original physical representation": the physical manifestation of a trademark as conceived by the applicant;

(h) "pixel resolution": the number of pixels in an electronic image in relation to its width and height. A common measure for the resolution is dpi (dots per inch);

(i) "RGB": a type of color model using red, green, and blue as the component colors;

(j) "JPEG": "JPEG" stands for Joint Photographic Experts Group, the name of the group that created a standard that describes a coding scheme for the (usually lossy) compression of images, as well as a file format, for storing the compressed image. In this context, a JPEG file is a file stored in JFIF format (JPEG file interchange format - a minimal and widely used version of the originally specified file format) that contains an image coded and compressed according to the JPEG standard;

(k) "TIFF" (Tagged Image File Format) Group-4: "TIFF" is an image file format, which can store a variety of different image types, with or without compression. "TIFF Group-4" is a bitonal image that has been compressed with a lossless compression algorithm and stored in the "TIFF format". It is one of the most widely supported file formats for storing bit-mapped images on personal computers;

(l) "touch-up": a minor change made to an electronic image so as to clarify the main elements in that image;

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(m) "black and white electronic image": a computer data file that when opened with a compatible software program will display an image using only black and white tones;

(n) "grayscale electronic image": a computer data file that when opened by a compatible software program will display an image using the tones of black, white, and various shades of gray;

(o) "digital camera": an input device that creates an electronic image file by measuring the intensity and wavelength of light reflected by an object;

(p) "scanner": an input device that when used with compatible software, creates an electronic image file by measuring intensity and wavelength of light reflected by an object with the help of lights, mirrors, and related electronics;

(q) "image capture": the process of turning a physical representation of an image into an electronic image, usually with the aid of a scanner;

(r) "trademark": a type of intellectual property that is a distinctive sign used by an applicant to identify the origin of goods or services to consumers;

(s) "non-traditional trademark": generally a mark that cannot adequately be defined in a two dimensional space, for example a sound, specific color regardless of use, three dimensional shape, or hologram.

USE OF WIPO STANDARDS AND CODES

4. The following WIPO Standards should be applied when electronically managing the figurative elements of trademarks:

WIPO Standard ST.60	Bibliographic Data Relating to Marks
WIPO Standard ST.63	Content and Layout of Trademark Gazettes
WIPO Standard ST.64	Search Files for Trademark Search
WIPO Standard ST.66	Recommendation for the processing of trademark information using XML

GUIDELINES FOR ELECTRONIC IMAGE FORMAT AND SIZE

5. Black and white electronic images should be formatted as TIFF Group-4 electronic images (or 8-bit JPEG as an alternate) with a minimum resolution of 200 dpi and a *maximum resolution of 400 dpi*.

6. Grayscale electronic images should be formatted as 8-bit JPEG electronic images with a minimum resolution of 200 dpi and a *maximum resolution of 300 dpi*.

7. Color electronic images should use the sRGB color model. They should be formatted as 24-bit JPEG or PNG electronic images with a minimum resolution of 200 dpi and a *maximum resolution of 400 dpi*.

8. Industrial Property Offices may insist on receiving a color image, when a color claim is present.

9. Minimum and maximum images sizes will depend on the figurative element being captured or stored. For a trademark figurative element it is recommended up to size of A4 (29.7 cm x 21.0 cm) or Letter (27.94 cm x 21.59 cm) from minimum size (4 cm x 4 cm).

10. If a paper format is kept on file, the status of that paper record copy may be noted with the image records.

GUIDELINES FOR CAPTURING ELECTRONIC IMAGES

11. Applicants should submit their trademark in an electronic format specified in paragraphs 5-7 of this document.

12. If an industrial property office wishes to provide its own image capturing service, an appropriate scanner and software should be used so as to capture original images in the appropriate format specified in paragraphs 5-7 of this document. Such a scanner should be regularly color calibrated so as to capture the figurative elements with the greatest amount of accuracy.

13. In cases where traditional scanning means do not sufficiently capture the figurative elements (e.g., metallic foil or fluorescence), it is appropriate to use a digital image capture device such as a digital camera to better capture the figurative elements. The resulting electronic image file must conform to the formats specified in paragraphs 5-7 of this document, and must be completed by the applicant. In situations where a scanner and/or digital camera does not adequately capture the image (e.g. metallic marks, multi-chromatic marks) such features should be mentioned in the accompanying textual description of the mark and its colors.

14. Given the variability nature of scanned images, and in particular the color rendition, it is recommended that textual descriptions and detailed color claims be used whenever a complex and/or color figurative element is stored. The requirements for a textual description may already be a requirement of national legislation/regulations, however, where this is not the case it is recommended that this be included.

PROCEDURAL GUIDELINES FOR REJECTED ELECTRONIC IMAGES AND TOUCH-UPS

15. Electronic images submitted by an applicant that are of insufficient quality or do not conform to the formats specified in paragraphs 5-7 of this document should be rejected and the applicant asked to resubmit.

16. If the industrial property office transforms a figurative element from one storage format to another storage format (e.g., GIF to TIFF), it is recommended that the office retain the original format as well as the transformed format. If an industrial property office chooses to discard the original format then it is recommended that clear procedural guidelines be established and documented so as to ensure that the material is maintained for future reference.

17. It is acceptable for a industrial property office to perform limited "touch-ups" of electronic images submitted by applicants or captured by the industrial property office. Such "touch-ups" may include:

- (a) corrections so as to ensure that an electronic image conforms to one of the formats specified in paragraphs 5-7 of this document;
- b) erasing dust, hair, or other blemishes in the background of the electronic image;
- (c) erasing or color correcting background elements on the periphery of the figurative elements;
- (d) erasing marks from creases in the original physical representation of the trademark;
- (e) color correcting or color balancing the electronic image so as to better capture the original physical representation of the figurative element.

18. If the industrial property office performs "touch-ups" on an electronic image either submitted by an applicant or scanned by the industrial property office, it is recommended that the office establish a set of procedures and guidelines for the physical process and ranges of "touch-ups" that the office will extend (e.g., removing minor background specks—no larger than 1 mm). This will ensure consistency within the particular office.

19. It is recommended that, for future reference, records be maintained on any "touch-ups" performed.

20. If the industrial property office performs "touch-ups" on an electronic image either submitted by an applicant or scanned by the industrial property office, the IPO may choose to send the "touched-up" electronic image back to the applicant for approval.

21. Given the variation in color rendition due to scanning and printing variability, it is recommended that the industrial property offices clearly identify that the colors are only for presentation purposes and that accurate renditions of the color are dependent on the equipment used. It is recommended that a disclaimer to this extent be included whenever a color figurative element is presented.

[End of Annex and of document]