STANDARD ST.67

RECOMMENDATIONS FOR THE ELECTRONIC MANAGEMENT OF THE FIGURATIVE ELEMENTS OF TRADEMARKS

Standard adopted by the SCIT Standards and Documentation Working Group at its eleventh session on October 30, 2009

INTRODUCTION

1. These recommendations provide guidance on how to electronically store, display, and manage the two-dimensional graphical and photographical images representing trademarks as well as the software and hardware used in conjunction therewith.

DEFINITIONS

2. For the purposes of these Recommendations, unless otherwise specified:

(a) "trademark" means trademark, service mark or another type of distinguishing representation of mark according to the definition of the mark in the legislation concerned, including but not limited to collective mark, certification mark or guarantee mark;

(b) "figurative element" means a two-dimensional graphical and photographical non-verbal element of a trademark, including a logo, shape, or color scheme;

(c) "resolution" means the number of pixels in an electronic image in relation to its width and height. A commonly used measure for the resolution is dpi (dots per inch);

(d) "DPI (Dots Per Inch)" means a measurement, typically, of printer resolution that the number of individual dots can be placed within the span of one linear inch. DPI is also commonly applied to monitors, scanners and even digital cameras for which the technical correct term is pixels per inch, but DPI is commonly used instead. In this Standard, therefore, DPI is referred as a resolution measurement for all devices.

(e) "original physical representation" means the physical manifestation of trademarks as submitted by the applicant;

(f) "touch-up" means a minor change made to an electronic image so as to clarify the main elements in that image without materially altering the intended commercial impression of the image;

(g) "image capture" means the process of turning a physical representation of an image into an electronic image;

(h) "ICC profile" is, in color management, a set of data that characterizes a color input or output device, or a color space, according to standards promulgated by the International Color Consortium (ICC). ICC profile specification is published as ISO 15076-1:2005 ("Image technology color management -- Architecture, profile format and data structure -- Part 1: Based on ICC.1:2004-10").

(i) "color space" means a model for representing color numerically in terms of three or more coordinates which describe the position of the color within the color space being used. For example, the RGB (Red Green Blue) color space represents colors in terms of the Red, Green and Blue coordinates. Note, however, that the coordinates in color space do not define a color in absolute terms. In order to achieve this, an ICC profile is needed;

(j) "sRGB" stands for a standard RGB color space created cooperatively by Hewlett-Packard and Microsoft for use on monitors, printers, and the Internet, and endorsed by the W3C. It is very well suited for use in combination with ICC profiles;

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

(l) "grayscale electronic image" means 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;

(m) "color electronic image" means a computer data file that when opened by a compatible software program will display an image using colors based on a specific color profile, for example, a specific ICC profile, which is most commonly used;

(n) "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;

(o) "TIFF (Tagged Image File Format)" (Revision 4.0, 5.0, 6.0) is a flexible file format for storing images, with or without compression. This format can create a multi-page document for storing multiple pages in a file. "TIFF Group 4" is a TIFF image file format using CCITT Group 4 two-dimension compression technique, which is a lossless compression algorithm for reducing file size and supports black-and-white (bitonal, monochrome) images. "TIFF LZW" means a TIFF image file format using LZW (Lempel-Ziv-Welch) compression which is a lossless data compression technique for reducing file size;

(p) "GIF (Graphic Interchange Format)" means a bit-map image format that provides 8 bit/pixel support to allow for up to 256 RGB colors. The GIF images are compressed using the LZW (Lempel-Ziv-Welch) lossless data compression technique;

(q) "PNG (Portable Network Graphics)" means an extensible file format for the lossless, portable, well-compressed storage raster images. Indexed-color, grayscale, and true-color images are supported, plus an optional alpha channel for transparency;

USE OF WIPO STANDARDS AND CODES

3. 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

GENERAL RECOMMENDATIONS

4. Industrial Property Offices (IPOs) may require an applicant to provide a color claim if the applicant files an application in which the trademark is in color.

5. Applicants should be encouraged to provide figurative elements in electronic format. Image formats and sizes accepted by each IPO as per this Standard should be recommended.

6. If an IPO has previously established its preferred electronic image formats and sizes, it is recommended that the IPO announce in its official publications at regular intervals and/or on its websites, the image formats, sizes and color swatches that are acceptable to the IPO.

RECOMMENDATIONS FOR ELECTRONIC IMAGE FORMAT AND SIZE

7. 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 600 dpi; 300 dpi being the suggested resolution.

8. Grayscale electronic images should be formatted as TIFF LZW, 8-bit JPEG or PNG electronic images with a minimum resolution of 200 dpi and a maximum resolution of 600 dpi; 300 dpi being the suggested resolution.

9. Color electronic images should be formatted as PNG, TIFF LZW, or 24-bit JPEG electronic images with a minimum resolution of 200 dpi and a maximum resolution of 600 dpi; 300 dpi being the suggested resolution; sRGB color space should be used.

10. TIFF LZW and PNG are non-lossy formats and are more appropriate for trademark data than JPEG that causes distortions of both the image and color space.

11. Minimum and maximum images sizes will depend on the figurative element being captured or stored. The figurative element should be a minimum size of 4 cm in one dimension and 2 cm in the other dimension, and a maximum size of A4 (29.7 cm x 21.0 cm) or Letter (27.94 cm x 21.59 cm or 8 1/2" x 11"), preferably a maximum size of 28 cm in one dimension and 20 cm in the other dimension; with 4 cm x 3 cm (minimum) and 8 cm x 8 cm (maximum) being the suggested size range.

12. Where the recommendation related to suggested sizes is not able to be followed due to the variable nature of the figurative elements, e.g., long and narrow strip/ribbon type figurative elements, it is recommended that the above suggested maximum in one dimension, not be exceeded even if the minimum in the other dimension is not achieved.

RECOMMENDATIONS FOR CAPTURING ELECTRONIC IMAGES

13. If an IPO provides its own image capturing service, an appropriate scanner and software should be used to capture original images in the appropriate format specified in this Standard. Such a scanner should be regularly color calibrated to capture the figurative elements with the greatest accuracy.

14. In cases where the image capture does not adequately reflect the image, the IPO should require a textual description of the mark and its colors or a color claim if applicable under its regulations.

15. Given the variable 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. It is recommended to indicate the name or number of colors which are defined by a set of physical color swatches, and the referred color swatches, for example, green color “PMS 334” (334 defined by PMS: Pantone Color Matching System®).

PROCEDURAL RECOMMENDATIONS FOR IMPRECISE ELECTRONIC IMAGES

16. Electronic images submitted by an applicant that are of insufficient quality or do not conform to the formats specified in this Standard should be rejected and the applicant asked to resubmit the images.

17. If an IPO transforms a figurative element from one storage format to another storage format (e.g., GIF to TIFF), it is recommended that the IPO retain the original format as well as the transformed format. If an IPO chooses to discard the original format then it is recommended that clear procedural guidelines be established and documented.

18. If an IPO performs touch-ups on an electronic image either submitted by an applicant or captured by the IPO, 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 carry out (e.g., removing minor background specks —no larger than 1 mm). This will ensure consistency within the particular office.

19. Given the variable nature of scanned images, and in particular the color rendition, IPOs are recommended to use textual descriptions and detailed color claims when performing touch-ups on an electronic image of the corresponding figurative element. It is also recommended that the records on performed touch-ups be kept for future reference.

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

21. IPOs may perform limited touch-ups of electronic images submitted by applicants. Such touch-ups may include corrections required by the internal procedures of the office where the corrected image conforms to one of the formats specified as per this Standard.

22. IPOs may perform limited touch-ups of electronic images captured by the industrial property office. Such touch-ups may include:

(a) corrections required by the internal procedures of the office where the corrected image conforms to one of the formats specified as per this Standard;

(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 trademarks;

(e) color correcting or color balancing the electronic image so as to better capture the original physical representation of the figurative element unless it substantially modifies the scope of the claim(s) of the figurative mark.

23. Given the variation in color rendition due to scanning and printing variability, it is recommended that IPOs clearly indicate 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 document]