

Committee on WIPO Standards (CWS)

Sixth Session
Geneva, October 15 to 19, 2018

REVISION OF WIPO STANDARD ST.60

Document prepared by the Secretariat

1. The European Union Intellectual Property Office (EUIPO) sent to the Secretariat on June 14, 2018, a request proposing the revision of WIPO Standard ST.60 on the '*Recommendation concerning bibliographic data relating to marks*'. The proposal by EUIPO is reproduced in the Annex to this document.
2. The proposal relates to the update of Internationally agreed Numbers for the Identification of (bibliographic) Data (INID) codes of Standard ST.60 in order to reflect new types of trademark with two proposed options: either a simple update or a more detailed change.
3. The proposed simple update is to amend the code (554) and to add a new code (559) for other types of trademark (see paragraphs 7 to 9 of the Annex). The proposed optimal option is to add four more INID codes in addition to the simple update (see paragraph 12 of the Annex).

4. *The CWS is invited to:*

(a) note the request by the European Union Intellectual Property Office regarding the revision of WIPO Standard ST.60 as given in paragraph 1 of this document; and

(b) consider the two proposals for revision of WIPO Standard ST.60, as indicated in paragraph 3, above, and as reproduced in the Annex to this document.

[Annex follows]

PROPOSAL TO REVISE WIPO STANDARD ST.60

Document prepared by the European Union Intellectual Property Office (EUIPO)

BACKGROUND

1. This proposal refers to WIPO Standard ST. 60 on the '*Recommendation concerning bibliographic data relating to marks*', which is available online:
<http://www.wipo.int/export/sites/www/standards/en/pdf/03-60-01.pdf>

2. The proposal relates to the update of Internationally agreed Numbers for the Identification of (bibliographic) Data (INID) codes to reflect new types of trade marks with two related proposals. We suggest either a simplified update (adding one code and amending another), or a more detailed change.

NEW TYPES OF MARKS

Simplified Proposal

3. Following the second phase of the European Union Trade Mark (EUTM) Legislative Reform, since October 2017 the EUTM Implementing Regulation (EUTMIR¹) acknowledges the following types of trade marks: Word mark, Figurative mark, Shape mark, Position mark, Pattern mark, Colour mark, Sound mark, Motion mark, Multimedia mark, Hologram mark in addition to Other type of mark (Article 3(3) and (4) EUTMIR).

4. Additionally, 'New types of marks' is an item on the Agenda² of the Sixteenth Session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks in July 2018.

5. As a user of the WIPO Standard ST.60 INID code system, the European Union Intellectual Property Office (EUIPO) would like to propose various modifications to the INID codes in WIPO Standard ST. 60 in relation to types of trade marks.

6. EUIPO suggests introducing a new code to include an express indication of 'Other' types of trade marks. This code would cover types of trade marks which are not already specifically listed in the current numbering of WIPO Standard ST.60:

- (554) Three-dimensional mark
- (555) Hologram mark
- (556) Sound mark, including characteristics
- (557) Olfactory mark, including characteristics
- (558) Mark consisting exclusively of one or several colors

7. The suggestion is to include a new INID code, specifically:

- (559) Other type of mark

8. And also in the 'Three dimensional mark' (INID code 554), to amend it to include 'shape mark' as follows (amendment underlined):

- (554) Three-dimensional mark or shape mark

¹ COMMISSION IMPLEMENTING REGULATION (EU) 2018/626 of 5 March 2018 laying down detailed rules for implementing certain provisions of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Implementing Regulation (EU) 2017/1431.

Link: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018R0626&from=EN>

² Link: http://www.wipo.int/edocs/mdocs/madrid/en/mm_ld_wg_16/mm_ld_wg_16_1_prov.pdf

9. Following the acceptance of these proposals, the text in INID codes 554 to 559 would read as follows (amendment underlined)

- (554) Three-dimensional mark or shape mark
- (555) Hologram mark
- (556) Sound mark, including characteristics
- (557) Olfactory mark, including characteristics
- (558) Mark consisting exclusively of one or several colors
- (559) Other type of mark

Optimal Proposal

10. In addition to the above, EUIPO has a more detailed and pioneering proposal, which would not impact existing codes, but be in addition to them.

11. As part of EUIPO's simplified proposal, they also suggests including a specific mention (i.e. own INID code) for all types of marks.

12. In some cases, the proposal merges types of marks, mainly due to the limited availability of unused INID code numbers under the section in question. The suggestion is as follows (further suggested amendment in underlined and italics):

- (547) Word mark*
- (548) Figurative mark*
- ...
- (552) Position mark or Pattern mark*
- (553) Motion mark or Multimedia mark*
- (554) Three-dimensional mark or shape mark
- (555) Hologram mark
- (556) Sound mark, including characteristics
- (557) Olfactory mark, including characteristics
- (558) Mark consisting exclusively of one or several colors
- (559) Other type of mark*

13. The proposal is based on the types of marks which exist in the EUTMIR (as quoted previously) however other types of marks could also be included or considered.

14. The acceptance of the above new codes would not affect those offices that currently use the INID code (550) to indicate the nature of the kind of mark in words. For those offices that use the existing INID codes (554) to (558) with a 'yes – no' indication, or for example a Boolean true/false indicator (e.g., 0 - 1 value), these detailed codes will increase the visibility of all trade mark types and provide more flexibility and clarity in the publications and areas they are used.

15. This proposal includes a new specific INID code for "Word marks" and "Figurative marks", as they are the most commonly used trade mark types.

16. EUIPO kindly requests the Committee to consider, at its sixth session, the above proposals for the amendment of WIPO Standard ST.60.

[End of Annex and of document]