

## **COMMITTEE ON WIPO STANDARDS (CWS)**

### **Eighth Session**

**Geneva, November 30 to December 4, 2020**

REPORT BY THE TRADEMARK STANDARDIZATION TASK FORCE

*Document prepared by the Trademark Standardization Task Force Leader*

#### **BACKGROUND**

1. At its seventh session in 2019, the Committee on WIPO Standards (CWS) agreed to resume work on Task No. 49 to “prepare a recommendation for the electronic management of motion or multimedia marks for adoption as a WIPO standard.” The International Bureau is the Task Force Leader. (See paragraph 164 of document [CWS/7/29.](#))
2. The CWS also considered a proposal from the Trademark Standardization Task Force to maintain as-is INID code 551 covering collective, certification, and guarantee marks in WIPO Standard ST.60, following a request at the sixth session of the CWS to consider splitting INID code 551. For comparison, ST.96 uses separate values for these elements. The CWS could not reach agreement on the proposal, and referred the matter back to the Task Force for further discussion. (See paragraphs 160 to 163 of document [CWS/7/29.](#))

#### **REPORT ON ACTIVITIES**

3. The Trademark Standardization Task Force resumed work on the draft recommendation for the electronic management of motion or multimedia marks in September 2019. The previous draft from 2016 was reviewed and the Task Force considered the draft accurate and mostly complete. In particular, the definition of “multimedia mark” was reconsidered and the Task Force agreed that the definition was appropriate in light of developments in the European Union and other countries. Most of the discussion involved video format issues. As a result of this work, the Task Force prepared a proposal for a new WIPO standard on motion or multimedia marks (see document CWS/8/3).

4. The Task Force also continued discussion on whether to split INID code 551 to distinguish collective marks, certification marks, and guarantee marks. The Madrid System informed the Task Force that the current approach to 551 was decided when the Common Regulations under the Madrid Agreement and Protocol were drafted in 1994 (see page 22 of document GT/PM/VI/7). An earlier draft of the regulations allowed separating these types of marks, but it was ultimately changed because "the Office of origin would not be in a position to give the certification referred to in Rule 9(5)(b)(iii) and (6)(b)(iii)" (see paragraph 18 of document GT/PM/VI/8). Based on this explanation, one proponent Office withdrew their request to split INID code 551.

5. Further discussions clarified that splitting code 551 in the CWS would not change Madrid application forms or the way that applicants designate the type of mark for protection. Changes to Madrid forms must be discussed and approved by the Working Group on the Legal Development of the Madrid System at WIPO. Therefore, changes to 551 by CWS would only affect data exchanged between Offices, not data received with international applicant filings. The situation is currently being considered by the interested Task Force members, with no recommendation reached at this time. The Task Force plans to continue considering the issue and hopes to make a recommendation at the next session of the CWS.

6. *The CWS is invited to:*

*(a) note the content of this document; and*

*(b) request the Task Force to present a recommendation on whether to maintain or split INID code 551 for collective, certification, and guarantee marks in WIPO Standard ST.60 at the next session of the CWS.*

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