

## **Committee on WIPO Standards (CWS)**

### **Fourth Session Geneva, May 12 to 16, 2014**

#### **STATUS REPORT ON THE PREPARATION OF RECOMMENDATIONS FOR THE ELECTRONIC MANAGEMENT OF SOUND MARKS AND MOTION OR MULTIMEDIA MARKS FOR ADOPTION AS WIPO STANDARD(S)**

*Document prepared by the Secretariat*

#### **BACKGROUND**

1. The Trademark Standardization Task Force was established at the third session of the Committee on WIPO Standards (CWS) in April 2013 in order to handle the following two tasks of the CWS work program:

- Task No. 48: “Prepare a recommendation for the electronic management of sound marks for adoption as a WIPO standard.”
- Task No. 49: “Prepare a recommendation for the electronic management of motion or multimedia marks for adoption as a WIPO standard.”

(See paragraphs 55 to 62 and paragraph 74 (e) of document CWS/3/14.)

2. At the said third session, the Committee requested the Task Force to present a progress report on the work carried out, including a calendar for the development of new WIPO standard(s), for consideration by the CWS at its fourth session. The progress report and the calendar for the development of new WIPO standard (s) are presented in paragraphs 3 to 17, below.

## PROGRESS REPORT

3. Following the above-mentioned decision by the CWS, representatives of nine industrial property offices and the International Bureau were nominated to participate in the Task Force in response to the invitation sent by the International Bureau in Circular C. CWS 39 of June 27, 2013. A Wiki forum was established on the WIPO Wiki for the Task Force discussions.

4. The International Bureau, as Task Force Leader, prepared an outline of the recommendations for electronic management of sound and motion or multimedia marks. These materials were based on the results of two surveys carried out by the Trademark Standards Task Force in the year 2012, documents regarding new types of marks and non-traditional marks prepared for the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) (see documents SCT/16/2, SCT/17/2, SCT/18/2 and SCT/19/2) and the results of the informal Task Force meeting held during the third session of the CWS in April 2013.

5. Task Force discussion started in August 2013 and had two rounds for each of the components: recommendations for sound marks and recommendations for motion or multimedia marks. The main results of the discussion and the issues considered by the Task Force are referred to below.

### Sound Marks

6. It was preliminarily agreed by the Task Force that the future standard should provide recommendations on electronic management of the recording of the sound constituting the mark as well as its graphical representation and textual description. The electronic management of the graphical representation should follow relevant recommendations of ST.67.

7. Task Force members discussed and reached a provisional agreement on the definition of the "sound mark" and certain relevant file formats. It was also decided to provide recommendations on the publication of sound marks in a separate section.

8. The possibility of providing recommendations on the conversion of the analog recording to the digital format was also considered. Task Force members came to the conclusion that it is advisable to recommend that the recording of the sound be filed in digital format.

9. Inclusion of open source or patent-free file formats is currently under discussion by the Task Force. Task Force members understand the advantages of including them in the recommendations, but at the same time it seems advisable to minimize the number of recommended formats.

10. The issue concerning the limitation on the file size and the suggested file size is also being discussed by the Task Force.

### Motion or Multimedia Marks

11. It was preliminarily agreed by the Task Force that the future standard should provide recommendations on electronic management of the recording of the movement or multimedia constituting the mark as well as its graphical representation and textual description. The electronic management of the graphical representation should follow relevant recommendations of ST.67.

12. Task Force members discussed the scope of the recommendations to be prepared and came to the preliminary agreement that the new standard should cover multimedia marks, understanding by "multimedia" the combination of movement and sound. However, the opinion that the scope should be limited to motion marks only was also expressed on the grounds that the volume of accepted applications for multimedia marks is not sufficiently large to provide practical basis for a new standard.

13. Task Force members discussed and reached a provisional agreement on the definition of the “motion mark” and “multimedia mark”, as well as certain relevant file formats. It was also decided to provide recommendations on the publication of motion or multimedia marks in a separate section.

14. Two different approaches for graphical representation of the motion are currently under discussion by the Task Force. First approach recommends that the graphical representation of a mark consist of a series of selected images that depict the movement, whereas the second approach is that one image depicting multiple stages of the movement be used for its graphical representation.

15. The possibility of providing recommendations on the conversion of the analog recording to the digital format was also considered, but, as in the case of sound marks, Task Force members came to the conclusion that it is advisable to recommend that the recording of the movement or multimedia constituting the mark be filed in digital format.

16. Recommendations on file format and size are also being discussed by the Task Force.

#### CALENDAR

17. Following the above-mentioned request by the CWS, the Task Force has prepared the following calendar for the development of new WIPO standard(s) for consideration by the Committee:

Action	Expected result	Planned date
Presenting progress report at the fourth session of the CWS	The CWS is informed on the progress achieved and the Task Force receives eventual additional input	May 2014 (CWS/4)
Informal meeting of the Task Force	Common position is defined with respect to the question whether one single or two separate standards should be prepared and other open issues	May 2014 (during CWS/4)
Three more rounds of discussion on the Wiki Task Force forum	Preparation of recommendations for consideration and approval by the CWS at its fifth session	By November 2014
Presenting the proposal for consideration and approval at the fifth session of the CWS	New WIPO standard(s) adopted or guidance is received from the CWS	In 2015 (CWS/5)

18. *The CWS is invited to:*

*(a) note the progress report provided in paragraphs 3 to 16, above; and*

*(b) consider and approve the calendar for the development of new WIPO standard(s) as reproduced in paragraph 17, above.*

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