

Committee on WIPO Standards (CWS)

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NEW WIPO STANDARD ON THE ELECTRONIC MANAGEMENT OF SOUND MARKS

Document prepared by the Secretariat

INTRODUCTION

1. The Committee on WIPO Standards (CWS), at its third session held in April 2013, agreed to create the following two Tasks of the CWS Work Program and to establish a Trademark Standardization Task Force to handle these tasks (see paragraphs 55 to 62 of document CWS/3/14):

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

2. At the fourth session of the CWS held in May 2014, the 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) was presented for consideration by the CWS along with the calendar for the development of new WIPO standard(s) (see document CWS/4/10).

3. Since May 2014, the Trademark Standardization Task Force held a meeting in Geneva (in June 2015) and conducted four rounds of discussion regarding sound marks (Task No. 48) and two rounds of discussion on motion and multimedia marks (Task No. 49).

SOUND MARKS

4. Within the framework of Task No. 48, the Task Force prepared draft recommendations for the electronic management of sound marks for consideration and adoption by the CWS as a new WIPO standard. The proposed name of the new standard is “WIPO Standard ST.68 – Recommendations for the Electronic Management of Sound Marks”. The draft new WIPO Standard ST.68, which consists of the main body and Annex, is reproduced in the Annex to the present document.

MOTION AND MULTIMEDIA MARKS

5. Within the framework of Task No. 49, the Task Force discussed the experience and plans of industrial property offices (IPOs) regarding the standardization of motion and multimedia marks. The discussion was based on the initial draft new standard prepared by the Task Force Leader. Despite the effort and willingness of the Task Force members, due to the lack of experience in the IPOs with respect to motion and multimedia marks, the Task Force agreed to take more time to monitor the developments in the area of electronic management of motion and multimedia marks, in particular, changes in relevant national legislation. The Task Force will report on the progress in the preparation of the recommendation under Task No. 49 at the next session of the CWS.

6. *The CWS is invited to:*

(a) note the content of the present document; and

(b) consider and adopt WIPO Standard ST.68, as reproduced in the Annex to the present document.

[Annex follows]

STANDARD ST.68

RECOMMENDATIONS FOR THE ELECTRONIC MANAGEMENT OF SOUND MARKS

Draft

Proposal presented by the Trademark Standardization Task Force for consideration and adoption at the CWS/4BIS

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ANNEX

Good and bad practices of electronic management of sound marks

STANDARD ST.68

RECOMMENDATIONS FOR THE ELECTRONIC MANAGEMENT OF SOUND MARKS

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INTRODUCTION

1. This Standard provides recommendations on presentation of applications for the protection of sound marks, submitted electronically or on paper, their electronic processing and publication.
2. The Standard is aimed at facilitating sound mark data processing and exchange among industrial property offices by providing guidance on electronic management of the recording of the sound constituting the mark as well as its graphical representation and textual description.

DEFINITIONS

3. For the purpose of this Standard, the expression:
 - (a) "mark" means any trademark or service mark as defined in the legislation concerned.
 - (b) "gazette" means an official publication containing announcements relating to marks and made in accordance with requirements under national industrial property laws or international industrial property conventions or treaties.
 - (c) "entry in a gazette" means a comprehensive announcement, including bibliographic data, made in a gazette regarding an application for the registration of a mark or a registration of a mark.
 - (d) "MP3" (or "MPEG-1/2 Layer 3") is the coded representation and the method of decoding of audio signals as defined by the International Standards ISO/IEC 11172-3:1993 "Information technology – Coding of moving pictures and associated audio for digital storage media at up to about 1.5 Mbits/s – Part 3: Audio" and ISO/IEC 13818-3:1998 "Information technology – Generic coding of moving pictures and associated audio information – Part 3: Audio".
 - (e) "Waveform Audio File Format (WAV)" is an audio file format standard developed jointly by Microsoft and IBM on the basis of Resource Interchange File Format (RIFF).

REFERENCES

4. The following Standards and documents are of relevance to this Standard:

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;
WIPO Standard ST.67	Recommendation for the Electronic Management of the Figurative Elements of Trademarks;
WIPO Standard ST.96	Recommendation for the Processing of Industrial Property Information using XML.

GENERAL RECOMMENDATIONS

5. Application for the registration of a sound mark should contain a graphical representation of the sound constituting the mark, a textual description of that sound, a recording of that sound, or any combination thereof according to the requirements of the Industrial Property Office (IPO) receiving the application.
6. It is recommended that the indication "sound mark" be included in the applications.
7. Applicants should provide recording of the sound in electronic format, the characteristics of the sound file provided should be in conformity with the corresponding regulations established by each IPO as per this Standard.

8. The changes to the requirements regarding sound mark applications should be announced by the IPOs as necessary. It is also recommended that the said requirements be available on the IPOs' websites or announced in the official publications at regular intervals.

RECOMMENDATIONS FOR THE GRAPHICAL REPRESENTATION OF THE SOUND MARK

9. The applicant should submit a graphical representation of the sound constituting the mark, for example, the musical notation on a staff or image of the corresponding sound wave, in electronic format. For sounds which are not a musical-type, the IPO may accept that the graphical representation of such sound consists of a textual description.
10. Electronic management of the graphical representation of the sound constituting the mark should follow relevant recommendations of ST.67.

RECOMMENDATIONS FOR THE RECORDING OF THE SOUND MARK

11. It is recommended that the recording of the sound constituting the mark be filed and processed in digital format. The file should only contain the sound for which the protection is sought.
12. Files containing the recording of the sound constituting the mark should be formatted as MP3 (preferred) or WAV and not exceed 5 MB. Upon request by the applicant, the Office may accept files exceeding 5 MB. MP3 is recommended for the purpose of international data exchange.
13. The recommended sampling frequency per audio channel is 44.1 KHz or 22.05 KHz.
14. The recommended bit depth, i.e., the number of bits per sample, is 16 bits.
15. It is not recommended to represent a sound mark by streaming, surround or loop audio.
16. Sound mark should be represented by a single channel audio or audio with two independent channels. Sound mark should not be represented by audio with more than two channels or two-channel stereo.

RECOMMENDATIONS FOR THE TEXTUAL DESCRIPTION OF THE SOUND MARK

17. Textual description of the sound constituting the mark should not be the sole representation of the sound mark, except the case when it serves as its graphical representation (see paragraph 9, above), but, if the national legislation so permits, may supplement the other accepted way of representation.
18. Textual description may contain the description of the sound in words, indication of the instruments used, the notes played, the length, as well as any other characteristics of the sound which the applicant wishes to specify.

RECOMMENDATIONS FOR THE PUBLICATION OF THE SOUND MARK

19. It is recommended that the electronic publication of a sound mark contain all representations of this mark accepted by the IPO.
20. The physical (paper) publication should contain a graphical representation and/or textual description of the sound if they are accepted by the IPO, as well as, if it is accepted, a reference to the recording of the sound, which should be made available for public inspection.

EXAMPLES

21. Examples of good and bad practices of electronic management of sound marks are reproduced in Annex I to this Standard.

[Annex to ST.68 follows]

ST.68 - ANNEX

GOOD AND BAD PRACTICES OF ELECTRONIC MANAGEMENT OF SOUND MARKS

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The textual and/or graphical representation of the sound mark must show all the features of the trademark clearly, be of a quality that ensures all the features of the trademark will be preserved over time, and be suitable for reproduction.

Good practices of textual descriptions in sound marks

Example 1. The trademark is a sound mark. It comprises the sound of dogs barking to the traditional tune "Greensleeves" as rendered in the recording accompanying the application.

Example 2. The trademark is a sound mark. The trademark consists of the sound of two steps taken by a cow on pavement, followed by the sound of a cow mooing (clip, clop, MOO) as rendered in the recording accompanying the application.

Example 3. The trademark is a sound mark. The trademark consists of the sound of a soprano voice singing wordlessly to the tune represented in the musical score attached to the application. The trademark is demonstrated in the recording accompanying the application form.

Example 4. The trademark is a sound mark. The trademark consists of a repeated rapid tapping sound made by a wooden stick tapping on a metal garbage can lid, which gradually becomes louder over approximately 10 seconds duration. The sound is demonstrated in the recordings accompanying the application.

Bad practices of textual descriptions in sound marks

Example 5. The trademark is a piece of classical music as recorded on the audio tape accompanying the application. (No audio feature is identified. The 'audio tape' is identified as the recording media, which prevents accurate reproduction.)

[End of Standard]

[End of Annex and of document]