

世界知识产权组织标准委员会 (CWS)

第四届会议续会

2016年3月21日至24日，日内瓦

关于声音商标电子管理的新 WIPO 标准

秘书处编拟的文件

导 言

1. WIPO 标准委员会(CWS)在 2013 年 4 月举行的第三届会议上，同意建立标准委员会工作计划的以下两项任务，并成立一支商标标准化工作队来处理这两项任务(见文件 CWS/3/14 第 55 段至第 62 段)：

- 第 48 号任务：“为声音商标的电子管理编写建议，以作为 WIPO 标准通过”；
- 第 49 号任务：“为动作商标或多媒体商标的电子管理编写建议，以作为 WIPO 标准通过”。

2. 在 2014 年 5 月举行的标准委员会第四届会议上，向标准委员会提交审议了为声音商标和动作商标或多媒体商标的电子管理编写建议以作为 WIPO 标准通过的现状报告，以及开发新 WIPO 标准的日程表(见文件 CWS/4/10)。

3. 2014 年 5 月之后，商标标准化工作队在日内瓦举行了一次会议(2015 年 6 月)，并就声音商标进行了四轮讨论(第 48 号任务)，就动作商标和多媒体商标进行了两轮讨论(第 49 号任务)。

声音商标

4. 在第 48 号任务的框架内，工作队编写了关于声音商标电子管理的建议草案，供标准委员会作为新 WIPO 标准审议通过。新标准的拟议名称是“WIPO 标准 ST. 68——关于声音商标电子管理的建议”。新 WIPO 标准 ST. 68 的草案由正文和附件组成，现将其转录于本文件附件。

动作商标和多媒体商标

5. 在第 49 号任务的框架内，工作组讨论了各工业产权局在动作商标和多媒体商标标准化方面的经验和计划。讨论依据了工作队牵头人编写的一份新标准初稿。尽管工作队成员做出了积极努力，但由于各局在动作商标和多媒体商标方面缺少经验，工作队同意用更多时间来监视声音商标和多媒体商标电子管理领域的发展，尤其是相关国内立法的修改。工作队将在标准委员会下届会议上就第 49 号任务下编制建议的进展提出报告。

6. 请标准委员会：

(a) 注意本文件的内容；并

(b) 审议和通过本文件附件中
录的 *WIPO 标准 ST. 68*。

[后接附件]

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

Draft

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

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.)

[附件和文件完]