

Working Group on the Review of Model International Form No. 1 of the Singapore Treaty on the Law of Trademarks

First Session
Geneva, January 31, 2012

REVIEW OF MODEL INTERNATIONAL FORM No. 1 OF THE SINGAPORE TREATY ON THE LAW OF TRADEMARKS

prepared by the Secretariat

1. At its second session (1st extraordinary), which took place in Geneva from September 20 to 29, 2010, the Assembly of the Singapore Treaty on the Law of Trademarks (hereinafter referred to as the “Assembly of the Singapore Treaty”) adopted amendments to Rule 3(4) to (6) of the Regulations under the Singapore Treaty (document STLT/A/2/2, paragraph 8). The amendments introduced in Rule 3 concern the modalities for representation of hologram, motion, color, position and sound marks, as well as a further clarification concerning the representation of three-dimensional marks for the purpose of granting a filing date. For ease of reference, those amendments are reproduced in Annex II to this document. As approved by the Assembly of the Singapore Treaty, these amendments entered into force on November 1, 2011.
2. The entry into force of the amendments to Rule 3 calls for the review of Model International Form No.1. At its third session (2nd ordinary), the Assembly of the Singapore Treaty approved the convening of one session of a Working Group on the review of Model International Form No.1 (document STLT/A/3/3, paragraph 8). In this context, it is recalled that, according to Article 23(2)(ii) of the Singapore Treaty, the Assembly of the Singapore Treaty has the power to amend the Regulations, including the Model International Forms.
3. Annex I to the present document contains proposals for the amendment of Model International Form No.1 in accordance with the amendments to Rule 3 of the Regulations of the Singapore Treaty, in force as of November 1, 2011. In Annex I, all suggested changes to the original text of the form are indicated by underlining for new text and strikethrough for deleted text.

4. *The Working Group is invited to:*

(i) consider the proposals for the amendment of Model International Form No.1 contained in Annex I to this document; and

(ii) recommend to the Assembly of the Singapore Treaty to adopt the suggested amendments to Model International Form No.1 at its fourth (2nd extraordinary) session in 2012.

[Annexes follow]

MODEL INTERNATIONAL FORM No. 1

APPLICATION FOR THE REGISTRATION OF A MARK

submitted to the Office of

FOR OFFICE USE ONLY

Reference number of applicant ¹ :.....
Reference number of representative ¹ :

1. Request for Registration

Registration of the mark reproduced in the present application is hereby requested.

¹ The reference number allotted by the applicant and/or the reference number allotted by the representative to the present application may be indicated in this space.

2. Applicants(s)

2.1 If the applicant is a natural person, the person's

(a) family or principal name²:

(b) given or secondary name(s)²:

2.2 If the applicant is a legal entity, the entity's full official designation:

2.3 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

E-mail address:

2.4 State of nationality:

State of domicile:

State of establishment³:

2.5 Where the applicant is a legal entity, indicate

- the legal nature of the legal entity:
- the State, and, where applicable, the territorial unit within that State, under the law of which the legal entity is organized:

2.6 Check this box if there is more than one applicant; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 2.1 or 2.2, 2.3, 2.4 and 2.5⁴.

² The names to be indicated under (a) and (b) are either the full names of the applicant or the names customarily used by the applicant.

³ "Establishment" means a real and effective industrial or commercial establishment.

⁴ Where several applicants are listed on the additional sheet with different addresses and there is no representative, the address for correspondence must be underlined on the additional sheet.

3. Representative

3.1 The applicant is not represented.

3.2 The applicant is represented.

3.2.1 Identification of the representative

3.2.1.1 Name:

3.2.1.2 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

E-mail address:

3.2.2 The power of attorney is already in the possession of the Office.
Serial number⁵:

3.2.3 The power of attorney is attached.

3.2.4 The power of attorney will be furnished at a later date.

3.2.5 No power of attorney is needed.

4. Address for Service⁶

⁵ To be left blank if the power of attorney has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the applicant or the representative.

⁶ An address for service must be indicated in the space available under the title of item 4 where the applicant does not have or, if there is more than one applicant, where none of the applicants has a domicile or a real and effective industrial or commercial establishment on the territory of the Contracting Party whose Office is the Office named on the first page of the present application, except where a representative is indicated in item 3.

5. Claiming of Priority

The applicant hereby claims the following priority:

5.1 Country (Office) of first filing⁷:

5.2 Date of first filing:

5.3 Application number of first filing (if available):

5.4 The certified copy of the application the priority of which is claimed⁸

5.4.1 is attached.

5.4.2 will be furnished within three months from the filing date of the present application.

5.5 The translation of the certified copy

5.5.1 is attached.

5.5.2 will be furnished within three months from the filing date of the present application.

5.6 Check this box if there is more than one filing whose priority is claimed; in that case, list them in an additional sheet and indicate, in respect of each of them, the information referred to in items 5.1, 5.2, 5.3, 5.4 and 5.5 and the goods and/or services mentioned in each of them.

6. Registration(s) in the Country (Office) of Origin⁹

The certificate(s) of registration in the country (Office) of origin is (are) attached.

⁷ Where the application the priority of which is claimed was filed with an Office other than a national Office (e.g., OAPI, the Benelux Trademark Office and the Office for Harmonization in the Internal Market (trade marks and designs)), the name of that Office has to be indicated instead of the name of a country. Otherwise, not the name of the Office but the name of the country must be indicated.

⁸ "Certified copy" means a copy of the application the priority of which is claimed, certified as being in conformity with the original by the Office which received such application.

⁹ To be filled in where the applicant wishes to furnish evidence under Article 6*quinquies* A(1) of the Paris Convention when filing the application.

7. Protection Resulting From Display in an Exhibition

- Check this box if the applicant wishes to take advantage of any protection resulting from the display of goods and/or services in an exhibition. In that case, give the details on an additional sheet.
-

8. Representation of the Mark¹⁰

~~8.1 The mark is a visible sign.~~

~~8.1.1. Reproduction of the mark:~~

~~(8 cm x 8 cm)~~



8.21 The applicant wishes that the Office register and publish the mark in the standard characters used by it.¹¹

8.32 Color is claimed as a distinctive feature of the mark.

8.32.1 Indication of the color(s) claimed:¹²

¹⁰ The dimension of the field for the representation of the mark is indicative. Offices may allow representations using larger formats.

¹¹ Such a wish cannot be expressed in respect of marks which contain or consist of figurative elements. If, in the opinion of the Office, they do contain such elements, the Office will ignore the wish of the applicant and will register and publish the mark as appearing in the square.

¹² The indication of the color may consist of the name and/or code of the color(s) claimed.

8.32.2 Principal parts of the mark which are in that (those) color(s):

8.4

9. Type of mark

9.1 The mark is a

9.1.1 three-dimensional mark

.....¹³ different views of the mark are attached.

8.5 The mark is a

8.5.1

9.1.2 hologram mark.

.....¹³ different views of the mark are attached.

8.5.2

9.1.3 motion mark¹⁴.

8.5.3

9.1.4 color mark.

indication of the color(s) claimed

indication of how the color(s) are applied to the goods or used in relation to the services

8.5.4

9.1.5 position mark.

indication of the position of the mark in relation to the product.

¹³ If several different views of the mark are not included in the square provided in item 8 but are attached, check this box and indicate the number of those different views.

¹⁴ In respect of this type of mark, the Office of a Contracting Party has the option to require one image or a series of still or moving images depicting the movement.

~~8.6. Where applicable, details concerning the mark(s) under 8.5¹⁵~~

9.1.6 sound mark.

description of the sound constituting the mark.

indication that a recording of the sound is attached.

9.1.7 non-visible sign other than a sound mark¹⁶.

~~8.7~~

9.2¹⁷ reproduction(s) of the mark in black and white is (are) attached.

~~8.8~~

9.3¹⁷ reproduction(s) of the mark in color is (are) attached.

~~8.9~~ ~~The mark is a non-visible sign~~

~~9.~~

10. Transliteration of the Mark

This mark or part of the mark is transliterated as follows:

~~10.~~

11. Translation of the Mark

The mark or part of the mark is translated as follows:

~~11.~~

12. Goods and/or Services

¹⁵ ~~In respect of any of these types of mark, the Office of a Contracting Party may require one or more reproductions of the mark and details concerning the mark, as prescribed by the law of that Contracting Party.~~

¹⁶ If the mark consists of a non-visible sign other than a sound mark, the Office of a Contracting Party may require an indication of the type of mark, one or more representations of the mark and details concerning the mark, as prescribed by the law of that Contracting Party.

¹⁷ Indicate the number of reproductions in black and white and/or color.

Names of the goods and/or services¹⁸:

- Check this box if the space above is not sufficient; in that case, give the names of the goods and/or services on an additional sheet.
-

~~12.~~

13. Declaration Concerning Intention to Use or Actual Use; Evidence of Actual Use

- 132.1 Check this box if a declaration is attached.
- 132.2 Check this box if evidence of actual use is attached.
-

~~13~~

14. Requirements Relating to Languages

- Check this box if an attachment is enclosed in order to comply with any language requirement applicable with respect to the Office¹⁹.
-

~~14~~

15. Signature or Seal

- 154.1 Name of the natural person who signs or whose seal is used:
- 154.2 Check the appropriate box according to whether the signature is given, or the seal is used, by or on behalf of the:
- 154.2.1 applicant.
- 154.2.2 representative.
- 154.3 Date of signature or of sealing:
- 154.4 Signature or seal:
-

~~15~~

16. Fee(s)

¹⁸ Where the goods and/or services belong to more than one class of the Nice Classification, they must be grouped according to the classes of that Classification. The number of each class must be indicated and the goods and/or services belonging to the same class must be grouped following the indication of the number of that class. Each group of goods or services must be presented in the order of the classes of the Nice Classification. Where all the goods or services belong to one class of the Nice Classification, the number of that class must be indicated.

¹⁹ This box is not to be used if the Office does not admit more than one language.

165.1 Currency and amount(s) of the fee(s) paid in connection with the present application:

165.2 Method of payment:

16

17. Additional Sheets and Attachments

Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

[Annex II follows]

REGULATIONS UNDER THE SINGAPORE TREATY ON THE LAW OF TRADEMARKS

[...]

Rule 3
Details Concerning the Application

[...]

(4) [Three-dimensional Mark]

(a) Where the application contains a statement to the effect that the mark is a three-dimensional mark, the reproduction of the mark shall consist of a two-dimensional graphic or photographic reproduction.

(b) The reproduction furnished under subparagraph (a) may, at the option of the applicant, consist of one single view of the mark or of several different views of the mark.

(c) Where the Office considers that the reproduction of the mark furnished by the applicant under subparagraph (a) does not sufficiently show the particulars of the three-dimensional mark, it may invite the applicant to furnish, within a reasonable time limit fixed in the invitation, up to six different views of the mark and/or a description by words of that mark.

(d) Where the Office considers that the different views and/or the description of the mark referred to in subparagraph (c) still do not sufficiently show the particulars of the three-dimensional mark, it may invite the applicant to furnish, within a reasonable time limit fixed in the invitation, a specimen of the mark.

(e) Notwithstanding subparagraphs (a) to (d), a sufficiently clear reproduction showing the three-dimensional character of the mark in one view shall be sufficient for the granting of a filing date.

(f) Paragraph (3)(a)(i) and (b) shall apply *mutatis mutandis*.

~~(5) [Hologram Mark, Motion Mark, Color Mark, Position Mark] Where the application contains a statement to the effect that the mark is a hologram mark, a motion mark, a color mark or a position mark, a Contracting Party may require one or more reproductions of the mark and details concerning the mark, as prescribed by the law of that Contracting Party.~~

(5) [Hologram Mark] Where the application contains a statement to the effect that the mark is a hologram mark, the representation of the mark shall consist of one or several views of the mark capturing the holographic effect in its entirety. Where the Office considers that the view or views submitted do not capture the holographic effect in its entirety, it may require the furnishing of additional views. The Office may also require the applicant to furnish a description of the hologram mark.

(6) [Motion Mark] Where the application contains a statement to the effect that the mark is a motion mark, the representation of the mark shall, at the option of the Office, consist of one image or a series of still or moving images depicting movement. Where the Office considers that the image or images submitted do not depict movement, it may require the furnishing of additional images. The Office may also require that the applicant furnish a description explaining the movement.

(7) [Color Mark] Where the application contains a statement to the effect that the mark is a color *per se* mark or a combination of colors without delineated contours, the reproduction

of the mark shall consist of a sample of the color or colors. The Office may require a designation of the color or colors by using their common names. The Office may also require a description on how the color is or the colors are applied to the goods or used in relation to the services. The Office may further require an indication of the color or colors by a recognized color code chosen by the applicant and accepted by the Office.

(8) [Position Mark] Where the application contains a statement to the effect that the mark is a position mark, the reproduction of the mark shall consist of a single view of the mark showing its position on the product. The Office may require that matter for which protection is not claimed shall be indicated. The Office may also require a description explaining the position of the mark in relation to the product.

(9) [Sound Mark] Where the application contains a statement to the effect that the mark is a sound mark, the representation of the mark shall, at the option of the Office, consist of a musical notation on a stave, or a description of the sound constituting the mark, or an analog or digital recording of that sound, or any combination thereof.

~~(6)~~(10) [Mark Consisting of a Non-Visible Sign other than a Sound Mark] Where the application contains a statement to the effect that the mark consists of a non-visible sign other than a sound mark, a Contracting Party may require one or more representations of the mark, an indication of the type of mark and details concerning the mark, as prescribed by the law of that Contracting Party.

~~(7)~~(11) [Transliteration of the Mark] [...]

~~(8)~~(12) [Translation of the Mark] [...]

~~(9)~~(13) [Time Limit for Furnishing Evidence of Actual Use of the Mark] [...]

[...]

[End of Annex II and of document]