

Committee on WIPO Standards (CWS)

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PROPOSAL FOR A NEW STANDARD ON DESIGN REPRESENTATIONS

Document prepared by the Design Representation Task Force Leader

BACKGROUND

1. At its seventh session, held in July 2019, the Committee on WIPO Standards (CWS) noted the progress made on Task No. 57 to "prepare recommendations for electronic visual representations of designs". In particular, the CWS approved the results of the survey on electronic visual representation of industrial designs for publication and noted that the results would assist the Design Representation Task Force in developing a draft standard. The Task Force co-leaders are IP Australia and the International Bureau. (See paragraphs 174 to 175 of document CWS/6/34.)

TASK FORCE ACTIVITIES

2. The Design Representation Task Force continued work on a draft for a proposed Standard via the wiki and online meetings. The results of the survey on electronic visual representation of industrial designs, which were published in November 2019, were used to draft recommendations, along with input from Task Force members, the Hague system, ID5 members and other sources. The resulting proposal for a draft Standard on Recommendations for electronic representation of industrial designs is presented as the Annex to this document.

3. Major issues discussed by the Task Force included the definition of industrial designs, file formats for two-dimensional (2D) images, and issues with file conversions. Recommended formats for video files was another major issue, discussed jointly with other relevant Task Forces (see paragraphs 5 to 10 of document CWS/8/3). The Task Force also worked on recommendations for three-dimensional (3D) objects including file formats, but this work was deferred until the 3D Task Force develops its recommendations.

PROPOSED STANDARD

4. The Task Force prepared proposed recommendations for electronic representation of industrial designs, for consideration and adoption by the CWS as a new WIPO Standard. The proposal is presented in the Annex of this document. The International Bureau recommends the new Standard be designated as ST.88 for consistency with other Standards: ST.67 and ST.68 deal with electronic representations of various types of trademarks, as does the proposed ST.69 (see document CWS/8/3).
5. The proposed Standard provides recommendations on how to create, store, display, manage, publish and exchange electronic representations of industrial designs. The recommendations are intended to maximize re-use of electronic representations for applicants filing the same design at multiple Intellectual Property (IP) offices. The proposed Standard also provides common guidelines for IP offices to exchange data on electronic representations, publish electronic representations, and enhance automated search of electronic representations.
6. During discussions, the Task Force noted that different 2D image formats have different advantages and disadvantages. No single format is capable of satisfying all the various requirements and usages of design images by IP Offices and applicants. Each Office prefers to work with their own chosen formats, based on factors such as national regulations, industry usage, and / or stakeholder preferences.
7. Several Offices reported difficulties with converting images. Converting between different formats poses challenges, as conversion can lose information or introduce errors, requiring quality checks and verification of results. The Standard seeks to minimize format conversions when possible.
8. Therefore the proposed new Standard recommends three preferred formats for 2D images (JPEG, PNG, and SVG) which are modern, standardized, widely supported, and address different needs. JPEG provides small file sizes with configurable image quality and is often used for photographic images. PNG provides lossless image representation with compression and is often used for line drawings or graphic designs. SVG provides vector images which are independent of device resolution and is often used for icons and simple figures.
9. The Standard recommends that Offices accept at least one of the preferred formats for filing. This allows Offices to choose the formats most suited to their environment. To avoid the problems posed by converting images to a different format, the Standard further recommends that Offices accept all three preferred formats in data exchange with other Offices.
10. The Standard also allows Offices to accept GIF and TIFF as alternative formats. These formats are not preferred because they are outdated, are not as widely supported and have inconsistent implementations, among other reasons. Offices may accept these formats if they wish, but must convert them to a preferred format for data exchange with other Offices. Although the Standard seeks to minimize format conversions due to the challenges it brings, in this situation format conversions by one originating Office are better than requiring all Offices to invest in IT support for less widely used formats.
11. For video or multimedia submissions, the Standard recommends two sets of multimedia formats. The first set provides the broadest compatibility and support with current platforms and devices, while subject to patent licensing royalties for playing videos. These royalties are currently paid by many device and software providers, so most end users already have licenses. The second set of multimedia formats have broad support among certain platforms and industries, while being designed to avoid patent licensing issues. For more information, see paragraphs 5 to 10 of document CWS/8/3.

12. *The CWS is invited to:*

(a) note the content of this document;

(b) consider and approve the proposed name of new WIPO Standard ST.88: "Recommendations for electronic representation of industrial designs"; and

(c) consider and adopt the proposed new WIPO Standard ST. 88, as reproduced in the Annex to this document.

[Annex follows]

STANDARD ST.##

RECOMMENDATIONS FOR ELECTRONIC REPRESENTATION OF INDUSTRIAL DESIGNS

Final Draft

Proposal presented by the Design Representation Task Force for consideration at the CWS/8

Editorial Note by the International Bureau

This Standard does not currently make recommendations on 3D objects. Recommendations for 3D objects and file formats are being evaluated by the 3D Task Force of the Committee on WIPO Standards (CWS). It is proposed to revisit this topic when the 3D Task Force completes their evaluation, and possibly make revisions to this Standard if appropriate.

INTRODUCTION

1. These recommendations provide guidance on how to create, store, display, manage, search, publish and exchange electronic representations of industrial designs.

OBJECTIVES

2. These recommendations are intended to achieve:

- The maximum re-use of the same electronic representations for applicants to file the same design at multiple Intellectual Property (IP) offices;
- A common set of requirements for IP offices to exchange electronic representations data;
- A common set of requirements for IP offices to process and publish electronic representations; and
- A common set of requirements to enhance automated search of electronic representations.

DEFINITIONS AND TERMINOLOGY

3. For the purposes of these recommendations, the following terms apply unless otherwise specified:

- (a) "3D model" means an electronic file that is created by a specialized software, for mathematically representing the surface of an object in three dimensions;
- (b) "industrial design" means the visual aspect of an object, including its two-dimensional and three-dimensional features of shape and surface. Industrial designs are protectable through registration in an industrial property office or another competent authority. Some jurisdictions distinguish between a "design" for two-dimensional objects and a "model" for three-dimensional objects;
- (c) "DPI" or "Dots Per Inch" means a measurement of a physical device, such as a display or printer, of the number of individual dots that can be placed within the span of one linear inch. DPI is commonly applied to monitors, scanners and even digital cameras for which the technical correct term is pixels per inch, but DPI is commonly used instead. For the purposes of the present Standard, therefore, DPI is used as a measurement for all image input or output devices mentioned in this Standard¹;
- (d) "electronic representation" means the drawings and/or photographs representing a design on computer files, which may have been created and/or converted from the original physical representation, the original paper representation and the original electronic representation;
- (e) "EXIF" or "Exchangeable Image File Format" is a standard for storing metadata with different image formats, including JPEG and TIFF. It is commonly used by digital cameras, smartphones, scanners, and other systems handling image or audio files;
- (f) "hologram" means a photographic recording of a light field, rather than of an image formed by a lens, and it is used to display a fully three-dimensional image of the holograph subject;

¹ DPI is not a property of the image itself, which is independent of any physical measurements. Electronic image files do not contain an inherent DPI, but may contain a suggested DPI value that provides output devices with a recommended density for displaying the image

- (g) "image search" is a method of search for designs by inputting one or more images;
 - (h) "metadata search" is a method of search for designs by inputting metadata text;
 - (i) "original electronic representation" means the electronic drawings and/or photographs representing a design as submitted by the applicant on computer files;
 - (j) "original paper representation" means the drawings and/or photographs representing a design as submitted by the applicant on paper;
 - (k) "original physical representation" means the physical product specimen (or model) embodying a design as submitted by the applicant to the IP office;
 - (l) "PPI" means Pixels per inch. See DPI;
 - (m) "raster image" means an image that is composed of a map of points (pixels), referred to as a bitmap. Typical file formats for raster images include JPEG, TIFF, PNG and BMP;
 - (n) "resolution" means the number of pixels in an electronic image representing its width and height. This is usually given as width x height, e.g. 1024 x 768;
 - (o) "vector graphics" means an image file that is composed of shapes formed of mathematical formulas and coordinates on a 2D plane. As opposed to raster images, vector graphics have the property of scaling infinitely without any degradation of quality; and
 - (p) "view" means the 2D image formed when the design (normally a 3D object) is viewed or projected from a certain position, e.g., front view, rear view, perspective view.
4. The following acronyms are used in this document:
- (a) 4K UHD stands for 4000 pixels Ultra-High-Definition, a video resolution of at least 3840 x 2160 pixels;
 - (b) ANSI stands for American National Standards Institute;
 - (c) EXIF stands for Exchangeable Image File Format;
 - (d) GIF stands for Graphics Interchange Format;
 - (e) GPS stands for Global Positioning System;
 - (f) IEC stands for International Electrotechnical Commission;
 - (g) ISO stands for International Organization for Standardization;
 - (h) JPEG stands for Joint Photographic Experts Group;
 - (i) PDF stands for Portable Document Format;
 - (j) PNG stands for Portable Network Graphics;
 - (k) TIFF stands for Tagged Image File Format;
 - (l) W3C stands for World Wide Web Consortium.

REFERENCES

5. The following WIPO Standards should be applied as referenced in this Standard:
- (a) WIPO Standard ST.80 recommendation concerning bibliographic data relating to industrial designs;
 - (b) WIPO Standard ST.81 recommendation concerning the content and layout of industrial design gazettes;
 - (c) WIPO Standard ST.86 recommendation for the processing of industrial design information using XML (Extensible Markup Language); and
 - (d) WIPO Standard ST.96 recommendation for the processing of industrial property information using XML (EXTENSIBLE MARKUP LANGUAGE).

GENERAL RECOMMENDATIONS

6. This Standard recommends that industrial design documents should provide images in an electronic format, including applications, publications, and other documents containing designs. Electronic image formats and sizes recommended by this Standard should be accepted by each IP office.
7. If an Office has established its preferred electronic representation of designs which differs from this Standard, it is recommended that the Office announce its preferences in its official publications or websites regularly. This includes elements such as image format, resolution, and file size.
8. Offices should preserve the original electronic representation submitted with an application for archival purposes.

9. Offices should not apply any transformations to images received from applicants which do not comply with the Office's image requirements, such as changing the size, resolution, scaling, color space, or other features to bring the image into compliance. If an application contains images which do not comply with the Office's requirements, the images should be rejected with a message informing the applicant which requirement was not met and how to provide acceptable images².

10. Offices should not remove any information from submitted images for archival purposes. Copies of the image for other purposes, such as publication or data exchange, should have sensitive or personal information removed. For instance, EXIF metadata in an image file may contain data such as name or GPS location.

RECOMMENDATIONS FOR ELECTRONIC 2D IMAGE FORMAT AND SIZE

11. This Standard recommends JPEG3 and PNG4 for raster images and SVG5 for vector images as preferred electronic image formats for industrial designs.

12. Where supported by the Office, images may optionally use one of the following alternative formats instead of a preferred format:

- (a) TIFF format: this format is not preferred because it is not compressed, leading to very large file sizes; and
- (b) GIF format: this format is not preferred because PNG is a newer format with better support for color and transparency features.

13. Images should not use PDF format. PDF is designed for complex documents not for storing images, and can contain extraneous information besides the image. Determining the precise boundaries between images and other document elements (such as where the margin begins) may be difficult in PDF. Converting or extracting images from PDF to other formats may introduce errors or unintended changes.

14. Offices should accept at least one of the preferred image formats for filing, and should accept all of the preferred image formats for data exchange. Offices may accept other image formats for filing as well, as long as they convert the image to one of the preferred formats for data exchange and publication.

15. Images should be accepted in color, grayscale, and black & white as chosen by the applicant. Files of at least 5 MB in size should be accepted. Images should have a minimum resolution of 300 x 300 pixels and a maximum resolution of 3840 x 2160 pixels (corresponding to 4K UHD).

16. Where the recommendation related to suggested sizes is not able to be followed due to the variable nature of the figurative elements, e.g., long and narrow strip or ribbon type figurative elements, it is recommended that the complete image also be presented as multiple sections, with each section in a separate file that complies with the requirements above, and textual instructions on how the sections fit together.

RECOMMENDATIONS FOR ELECTRONIC VIDEO FORMAT AND SIZE

17. Files containing video or multimedia should use one of these preferred formats⁶: MP4 container files (.mp4) with one of the following video codecs: AVC/H.264 or MPEG-2/H.262.⁷

18. Where supported by the Office, design applications containing video or multimedia may use one of these alternative formats instead: WebM⁸ or MP4 container files with one of the following video codecs: VP9 or AV1⁹.

19. Multimedia files should not use video container or codec formats other than the preferred and alternative formats, including MPEG-1¹⁰, VP8¹¹, or HEVC/H.265¹².

² It is up to the Office whether to reject the entire application, or to accept the application and require the applicant to replace the rejected files.

³ JPEG provides lossy compression of images to create small file sizes and is generally preferable for works such as photographs.

⁴ PNG provides lossless images with compression and is generally preferable for works such as drawings, figures, or graphical designs.

⁵ SVG is suitable for vector images that are independent of display size and resolution. The recommendations on resolution in this Standard do not apply to SVG files.

⁶ The recommended formats may be updated in the future as conditions change.

⁷ These formats are ISO standards and have the widest hardware and software support. There are known patent pools covering these formats from the MPEG Licensing Administration, including for video playback, but common platforms such as Windows, Mac OS, Android, and iOS include licenses for playback at this time.

⁸ WebM is supported by most web browsers, though other platforms may require installing software to play.

⁹ These codecs are designed for royalty-free use and supported by most web browsers. Both codecs are also supported within MP4 containers. At this time industry use of AV1 appears limited, however major platforms are planning to adopt it in the near future.

¹⁰ Superseded by newer formats and not supported by MP4 containers.

¹¹ Superseded by VP9 and not supported by MP4 containers.

¹² Not widely supported at this time, covered by multiple competing patent pools.

20. Offices should accept at least one of the preferred or alternative multimedia formats for filing, and should accept all of the preferred and alternative formats for data exchange with other Offices. For filing, Offices may accept formats other than preferred or alternative formats at their discretion as long as they convert the video to one of the preferred or alternative formats for data exchange and publication. However, it is preferable to avoid conversions altogether (see paragraph 22).

21. Offices should announce what container and codec formats are accepted by the Office. Offices should also verify that submitted multimedia files use a container and codec format accepted by the Office. Such checks can be performed in software at the time of submission. Simply checking the file extension or container format is not sufficient, as some containers (particularly MP4) can use dozens of different codecs. If a submitted file does not use an accepted format, the file should be rejected¹³.

22. It is recommended that Offices do not convert multimedia files to a different format, as this can introduce errors, artifacts, or reduction in quality. Conversions may introduce artifacts in the video or audio data and may not match the original electronic representation. Conversion may be required in certain instances for publication or data exchange, such as where an Office accepts formats for filing not recommended by this Standard. In these cases, Offices should verify that the converted format faithfully reproduces the relevant features of the original format covered by the IP right. Offices should preserve the multimedia files originally submitted by the applicant for the duration of the IP right. If format conversions are done for publication or data exchange, the original format should also be made available online or on request.

23. When publishing video files, it is recommended that Offices provide information (including by linking to other websites) about the video formats it accepts and how to play them on various platforms. This information should be linked as near as possible to the published video so users can easily find it.

RECOMMENDATIONS FOR HOLOGRAM REPRESENTATION

24. If the hologram is submitted as a series of images, then it should follow the recommendations for 2D images above.

25. If the hologram is submitted as a video object, then it should follow the recommendations for video formats above.

26. It is not recommended that Offices accept physical holograms in applicant submissions at this time, as there does not appear to be a general way to transform them into digital specimens. If Offices do accept physical holograms, it is recommended that they only use it as a visual aid and that it does not form part of the specification or define the scope of protection.

RECOMMENDATIONS FOR CAPTURING ELECTRONIC IMAGES

27. Where Offices accept original physical or paper representations as part of an application, it is recommended that the images be a minimum of 3 cm by 3 cm in size, and a maximum of 21 cm by 27 cm (reflecting shared dimensions of A4 and ANSI Letter size paper).

28. It is recommended that Offices convert original paper representations to digital images for publication and management. The conversion is recommended using one of the preferred formats for 2D raster images above. Alternatively, Offices may convert the paper image to one of the alternative 2D image formats as long as they convert to a preferred format for data exchange. The resolution of captured images can be as high as the Office deems appropriate, but in all cases should be high enough to adequately capture the details of the source image.

29. Offices should scan images for capture with at least 300 DPI to accurately represent the image. Offices should not scan images with lower than 200 DPI or higher than 600 DPI.

30. Captured images should be in color unless the original paper representation is black and white. The captured image should have the same legal authenticity as the original paper representation.

31. The original paper representation should be stored for archival purposes for at least one year longer than the duration of the IP right.

RECOMMENDATIONS FOR ONLINE PUBLICATION OF REPRESENTATIONS

32. Offices should publish images and documents containing images online.

33. Images embedded in other documents, such as PDF, should reproduce the characteristics of the original image as closely as feasible. When publishing documents with embedded images online or in another electronic medium, Offices should also make the images available as separate files.

34. Images should be published in a preferred or alternative format, with a minimum resolution of 300 pixels in each dimension (width and height). Images should be published in color unless the original image is black and white. Format conversions or other transformations of submitted images should be avoided whenever possible as they have the potential to introduce errors, artifacts, distortions, or other differences. If a conversion or transformation must be done, Offices should verify that the resulting image faithfully reproduces the relevant features of the original image.

¹³ It is up to the Office whether to reject the entire application, or to accept the application and require the applicant to replace the rejected files.

35. If the published image differs from the original image submitted by the applicant in any way (file format, resolution, color space, or other aspects), the Office should note the differences in the publication. E.g. a note such as "Original image: 300 x 400 JPEG 8-bit color" would be appropriate. An indication of how the public can access the original image is also recommended.

36. Offices should remove metadata containing sensitive information from image files intended for publication. For example, EXIF metadata may contain name or geographic location. However, the original file with all metadata should be preserved for archival purposes.

RECOMMENDATIONS FOR TRANSFORMATION OF ELECTRONIC IMAGES

37. Electronic images submitted with an application that are of insufficient quality or do not conform to the formats specified in this Standard should be rejected by the Office and the applicant asked to resubmit the images.

38. If an Office transforms a figurative element from one storage format to another (e.g., GIF to PNG), it is recommended that the Office retain the original format as well as the transformed format. If an Office chooses to discard the original format then it is recommended that clear procedural guidelines be established and documented.

39. If an Office performs touch-ups on an electronic image either submitted by an applicant or captured by the Office, it is recommended that the office establish a set of procedures and guidelines for the physical process and ranges of touch-ups that the office will carry out (e.g., removing minor background specks —no larger than 1 mm). This will ensure consistency within the particular office.

40. Given the variable nature of scanned images, and in particular the color rendition, Offices are recommended to use textual descriptions and detailed color claims when performing touch-ups on an electronic image of the corresponding figurative element. It is also recommended that records of performed touch-ups be kept for future reference.

41. If an Office performs touch-ups on an electronic image either submitted by an applicant or captured by the Office, the Office may choose to send the touched-up image back to the applicant for approval.

42. Offices may perform limited touch-ups of electronic images captured by the industrial property office. Such touch-ups may include:

- (a) erasing dust, hair, or other blemishes in the background of the image;
- (b) erasing or color correcting background elements on the periphery of the figurative elements;
- (c) erasing marks from creases in the original physical representation of the image;
- (d) color correcting or color balancing the electronic image so as to better capture the original physical representation of the figurative element unless it substantially modifies the scope of the claims of the design.

43. Given the variation in color rendition due to scanning and printing variability, it is recommended that Offices clearly indicate that the colors are only for presentation purposes and that accurate renditions of the color are dependent on the equipment used. It is recommended that a disclaimer to this extent be included whenever a color figurative element is presented.

RECOMMENDATIONS FOR SEARCH OF ELECTRONIC IMAGES

44. It is recommended that Offices make images searchable by metadata, including at least application or file number, applicant name, and date of submission or registration.

45. It is recommended that Offices make images searchable using the Locarno Classification, including classes, subclasses, and types of goods.

RECOMMENDATIONS FOR VIEWS OF DESIGNS

46. The minimum and maximum number of views established by the Office for a design application should permit accurate representation of the design. The number of views required for accurate representation depends on the nature of the product, the features to be protected, the position (perspective) of views provided by the applicant, and other features of the Office's legal requirements.

47. It is recommended that Offices designate an exemplary image for design applications, either by selecting a representative image, selecting the first image in the application, or allowing the applicant to indicate the exemplary image. The exemplary image should be displayed prominently in publications of the application or registered design, such as on the title page of publications or as an accompanying thumbnail image in electronic catalogs, indexes, or databases.

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