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# STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

# STANDARDS AND DOCUMENTATION WORKING GROUP

## Seventh Session
## Geneva, May 29 to June 1, 2006

REPORT ON THE PROGRESS MADE CONCERNING TASK NO. 20
(FIGURATIVE ELEMENTS OF MARKS)

*Document prepared by the Secretariat*

1. The Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT), at its second and third sessions, held in December 2002, and May 2003, respectively, considered a survey on how figurative elements of trademarks should be captured in electronic form and how they should be displayed on visual display units. The said survey had been carried out within the framework of Task No. 20 in 2001. At its fourth session, held in January 2004, the SDWG agreed that Task No. 20 be reworded to read as follows:

> "Task No. 20: Prepare, for adoption as a WIPO standard, a recommendation for the electronic management of the figurative elements of trademarks."

(See paragraphs 46 to 48 of document SCIT/SDWG/2/14, paragraphs 38 to 43 of document SCIT/SDWG/3/9, and paragraphs 34 to 38 of document SCIT/SDWG/4/14.)

2. The SDWG, at its fifth session, held in November 2004, noted the information communicated by the Delegate of the Korean Intellectual Property Office, which Office served as Leader of the Trademark Standards Task Force, that an additional survey concerning Task No. 20 would be conducted in 2005. (See subparagraph 33(c) of document SCIT/SDWG/5/13.)

3. As a follow-up to the above, the International Bureau (IB) issued Circular SCIT 2617, dated August 24, 2005, which invited industrial property offices (IPOs) to complete a new questionnaire concerning Task No. 20 prepared by the Trademark Standards Task Force (Questionnaire concerning Formats for Figurative Elements of Marks currently in use by Industrial Property Offices). The circular, the questionnaire and the 47 responses to the questionnaire received by the IB are available on WIPO's website (http://www.wipo.int/scit/en/mailbox/circ05.htm).

4. On March 16, 2006, the Leader of the Trademark Standards Task Force submitted a report on the progress made in work regarding Task No. 20, along with the survey concerning formats for figurative elements of marks currently in use by IPOs, for consideration by the SDWG. The said survey contains the summary and the analysis of the responses to the questionnaire referred to in paragraph 3, above, and the tentative conclusions, as well as the collated responses to the questionnaire.

5. The above-mentioned report by the Task Force Leader is reproduced as the Annex to this document. Appendix 1 of the Annex contains the survey results, including the summary and the analysis of the responses to the questionnaire, and the tentative conclusions. Appendix 2 of the Annex provides a table with the collated responses to the questionnaire; this Appendix 2 is available only in electronic form on the web page containing the working documents for the seventh session of the SDWG (http://www.wipo.int/meetings/en/details.jsp?meeting_id=10266). An oral report on the status of Task No. 20 will also be presented at the seventh session of the SDWG.

6. The Task Force Leader, as indicated in paragraph 9 of the Annex, and 28 of Appendix 1, invites the SDWG to consider and approve the work carried out until now. In the said paragraphs, the Task Force Leader also presents, for consideration and approval by the SDWG, a proposal regarding the follow-up steps to be taken, including time frames, with the aim of developing recommendations for the electronic management of the figurative elements of trademarks.

*7. The SDWG is invited:*

*(a) to note the report by the Leader of the Trademark Standards Task Force and the oral report referred to in paragraph 5, above;*

*(b) to consider and approve the request referred to in paragraph 6, above, concerning the work carried out by the Trademark Standards Task Force, in particular, the summary and the analysis of the responses to*

*the questionnaire, and the tentative conclusions as given in Appendix 1 of the Annex to this document; and*

*(c) to consider and approve the steps to be taken with regard to Task No. 20 as proposed in paragraph 9 of the Annex to this document, and 28 of Appendix 1 thereof.*

[Annex follows]

ANNEX

# PROGRESS REPORT OF THE TRADEMARK STANDARDS TASK FORCE
(March 14, 2006)

## Introduction

1. In the Standards and Documentation Working Group Task List, Task No. 20 is related to the preparation of recommendations on how figurative elements of marks should be captured and displayed electronically.

2. A questionnaire was developed, approved by the Standards and Documentations Working Group, and circulated to industrial property offices (IPOs) for completion, along with circular SCIT 2541, dated July 31, 2001. The collated responses to the questionnaire were published in document SCIT/SDWG/2/9 and presented at the second session of the SDWG, held in December 2002. (See paragraphs 46 to 48 of document SCIT/SDWG/2/14.) The analysis of these results was presented by the Secretariat and considered by the SDWG at its third session, held in May 2003. (See document SCIT/SDWG/3/5, and paragraphs 38 to 43 of SCIT/SDWG/3/9.)

3. At the third session of the SDWG, the Chairman identified a number of issues raised by members of the SDWG concerning the analysis of survey results and the recommendations to be considered; in particular, the capture and manipulation of three-dimensional objects; color management, in particular with respect to the increasing requirements of electronic filing; the desired size for images; and software licensing issues, e.g., GIF software. In agreeing to deal with the issues about image format, image size and color management, the SDWG also agreed that the work should fall within the mandate of the Trademark Standards Task Force. (See document SCIT/SDWG/3/5, and paragraphs 38 to 43 of SCIT/SDWG/3/9.)

4. At the Trademark Standards Task Force meeting on January 29, 2004, it was agreed that an additional survey would be needed to handle the above-mentioned issues and to clarify questions 3, 5 and 6 of the first survey. It was also agreed that the Task Force would prepare a questionnaire for an additional survey after consulting independent experts.

5. As a result of discussions of the Trademark Standards Task Force, a member of the Task Force from the Canadian Intellectual Property Office consulted independent experts, namely, Gartner Inc. and the Enterprise Content Management Association, or AIIM, and informed the Task Force of their input. Gartner provided a general guideline that TIFF was viewed as the market standard for scanned images (especially black and white) and that JPEG was the most common standard for the storage of color images. Similar to Gartner, AIIM had an overall view that TIFF, with Group 4 compression, was viewed as the market standard for scanned images, and that JPEG was most commonly used for the storage of color images.

6. The SDWG, at its fifth session, held in November 2004, noted the information communicated by the Trademark Standards Task Force Leader that an additional survey concerning SDWG Task No. 20 would be conducted in 2005. Taking into consideration the analysis of the survey results, the recommendations made at the third session of the SDWG, and recommendations by the independent experts, the Trademark Standards Task Force redrafted the content of the questionnaire for an additional survey entitled "Questionnaire concerning Formats for Figurative Elements of Marks Currently in Use by Industrial Property Offices". The International Bureau of WIPO then distributed the survey to IPOs for completion.

7. The International Bureau (IB) issued Circular C. SCIT 2617, dated August 24, 2005, which invited IPOs to provide information on formats for figurative elements of marks by October 14, 2005. The IB received 47 responses. The complete list of countries and their responses are available on the WIPO/SCIT Web Page at http://www.wipo.int/scit/en/mailbox/circ05.htm under " Administration/Circular".

Status of work

8. The Task Leader of the Trademark Standards Task Force prepared the analysis of the additional survey results, and on December 31, 2005, posted it to the e-forum of the Trademark Standards Task Force to invite comments from members.

Step taken

9. The Task Leader invited Task Force members to make preliminary comments , by the time of the SCIT/SDWG/7 meeting, on the additional survey, specifically on the conclusions and the collated responses to the questionnaire reproduced in Appendices 1 and 2, respectively.

Further steps to be taken from SCIT/SDWG/7 to SCIT/SDWG/8

10. The Trademark Standards Task Force invites the SDWG to consider and approve the work completed by the Task Force to date. Based on comments and information from SDWG members, the Task Force will develop further recommendations on how figurative elements of marks should be captured and displayed with the aim of submitting a proposal at the next session of SDWG.

[Appendices follow]

APPENDIX 1

# SURVEY CONCERNING FORMATS FOR FIGURATIVE ELEMENTS OF MARKS CURRENTLY IN USE BY INDUSTRIAL PROPERTY OFFICES (TASK NO. 20)

Summary

1. This document presents an analysis of the questionnaire regarding Task No. 20 of the SDWG Task List, and provides the draft of recommendations concerning the electronic scanning, storing, publication and display of figurative elements of marks.

## Introduction

2. The following 47 Offices responded to the questionnaire: AM, AT, AU, BA, BD, BG, BR, BY, CA, CH, CU, CY, DE, DK, EE, EM (OHIM), ES, GB, GE, GR, HR, HU, ID, JP, KG, KR, LT, LV, MD, MG, MK, ML, MX, NO, PE, PL, PT, RO, RU, SE, SK, TH, TT, TZ, UA, US, and YU.

3. It had been over four years since the first survey was conducted in July 2001. The fact that we now have some serial data on this issue allows for comparisons between these two studies. As in the first survey, the analysis of the results of the additional questionnaire provides detailed insight into current practices and future trends for the electronic management of figurative elements of marks.

4. It is apparent that some of the questions are still not clear confusing and, therefore, the conclusions drawn from those particular questions would require more interpretation.

## Analysis of the responses to the questionnaire

### SECTION I

#### Question 1: Electronic process of the figurative elements of marks

5. Forty-three Offices, out of 47, process electronically fully or partially the figurative elements of marks.

- Process Fully: 21 Offices (CA, CH, DK, EE, EM, ES, GB, GE, HR, JP, KR, MD, NO, PT, RO, RU, SE, SK, TT, UA, US)
- Process Partially: 22 Offices (AM, AT, AU, BA, BG, BR, BY, CU, DE, GR, HU, ID, KG, LT, LV, MK, MX, PE, PL, TH, TZ, YU)

(a) File format details for scanning, publishing, displaying, and other purposes

A variety of answers were collected from those 43 Offices that partially or fully process marks on image format, resolution and depth, min./max. size, color and management techniques, and compression techniques. It seems that it is unpractical to group such diverse practices in a homogenous group. Therefore the following analysis only shows a comprehensive range for each item. The bold font is the most common answer.

(i) For scanning:

| | Black White (BW) | Grayscale (GS) | Color | Others |
|---|---|---|---|---|
| Image format | **TIFF**, BMP, GIF, JPEG, TIFF/JPEG, Like color | **JPG**, TIFF, BMP, GIF, TIFF/JPEG, Like color | **JPEG**, TIFF, GIF, BMP | **JPG**, BMP, TIFF, GIF |
| Resolution and depth | **100 - 635 dpi, 1 - 24 bit** | **150 - 600 dpi, 1 - 24 bit** | **100 - 600 dpi, 8 - 24 bit,** True color 768 pixel | **256 - 600 dpi, 24 bit,** |
| Minimum and maximum size | **0.5x0.5 – 21x29 cm,** 5 KB - 10 MB, 2048x1024 pixel, A4 | **0.5x0.5 – 21x9 cm,** 5 KB - 3 MB, A4 | **0.5x.5 – 21x29 cm,** 5 KB - 3 MB, 1024x768 pixel, 5KB - 10 MB, Limit defined by the scanner equipments' surface area size | **3x3 – 8x8 cm** |
| Color and management technique | **None,** Convert color to BW, Photoshop, JPEG, RGB, HP Laser jet 3500 | **None,** RGB, Corel photo house, Photoshop, Adobe PDF writer, BW | **RGB**, Photoshop, Convert color to BW, Photoimpact, HP Laser jet 3500, Adobe PDF writer | Photoshop, JPEG-format and RGB-color |
| Compression technique | **TIFF G 4**, JPG, CCITT4, PNG, LZW | **JPG**, TIFF, MPEG, LZW | **JPG**, Photoshop 7.0 level 12, LZW, none | JPG |

(ii) For publishing:

| | Black White (BW) | Grayscale (GS) | Color | Others |
|---|---|---|---|---|
| Image format | **TIFF**, JPG, BMP, GIF , TIFF/JPEG | **JPG**, TIFF, BMP, GIF, TIFF/JPEG | **JPEG**, TIFF, GIF, BMP, TIFF/JPEG | **JPG**, BMP, GIF |
| Resolution and depth | **150 - 635 dpi, 1 - 8 bit** | **72 - 350 dpi 8 bit,** | **100 - 600 dpi 24 bit,** True color 768 pixel | **300 dpi** |

| | | | | |
|---|---|---|---|---|
| Minimum and maximum size | **1x1 – 21x29 cm,** 5 KB - 10 MB, 2048x1024 pixel | **1x1 – 21x29 cm,** 1 KB - 3 MB | **1x1 – 21x29 cm** 1024x768 pixel – 10 MB | **8*8 cm** |
| Color and management technique | **None,** Convert color to BW, Grayscale, HP Laser jet 3500, Printing and Comparing with Original | **None,** Corel Photohouse, HP Laser jet 3500, Printing and Comparing with Original, Adobe Photoshop Options | **None,** Convert color to black and white, HP Laser jet 3500, Printing and Comparing with Original, Photoshop, Adobe Photoshop Options, Standard utilities supplied with scanner+Photoshop | **None** |
| Compression technique | **JPG,** TIFF G 4, LZW | **JPG,** LZW | **JPG**, Photoshop 7.0 level 12, none | **None** |

(iii) For displaying:

| | Black White | Grayscale | Color | Others |
|---|---|---|---|---|
| Image format | **TIFF**, JPG, BMP, GIF, JPEG | **JPG**, TIFF, BMP, GIF, JPEG | **JPG**, TIFF, GIF, BMP, JPEG | **JPG**, BMP, GIF |
| Resolution and depth | **150 - 300 dpi, 300 KB** | **150 - 300 dpi, 24 bit** | **150 - 600 dpi, 24 bit,** True color 768 pixel | **300 dpi, 8 bit** |
| Minimum and maximum size | **1x1 – 21x29 cm,** 1 - 10 MB, 2048x1024 pixel | **1x1 – 21x29 cm,** 1 - 3 MB | **1x1 – 21x29 cm,** 1024x768 pixel - 10MB | **8x8 cm** |
| Color and management technique | **None,** Convert color to black and white, Grayscale, Printing and Comparing with Original, Standard utilities supplied with scanner+Photoshop | **None,** Corel Photohouse, LG Flatron EZT 710 BH, Printing and Comparing with Original, Standard utilities supplied with scanner+Photoshop | **None,** Convert color to black and white, RGB, LG Flatron EZT 710 BH, Standard utilities supplied with scanner+Photoshop | **None** |

| | | | | |
|---|---|---|---|---|
| Compression technique | **JPG,** TIFF G 4, CCITT4, LZW, Photoshop 7.0level 5 | **JPG,** LZW, Photoshop 7.0level 5 | **JPG**, Photoshop 7.0 level 5, None | **None** , JPG/JFIF progressive |

(iv) For other purposes:

| | Black White | Grayscale | Color | Others |
|---|---|---|---|---|
| Image format | **TIFF**, JPG, BMP, GIF, PDF | **JPG**, TIFF, BMP, GIF, TIFF/JPEG | **JPG**, PDF, TIFF, BMP | JPG, BMP, GIF |
| Resolution and depth | **300 dpi, 1 to 8 bit,** 1200x1200 pixel | **150 to 300 dpi, 24 bit,** 1200x1200 pixel | **300 dpi, 24 bit,** 1200x1200 pixel | |
| Minimum and maximum size | **8x8 – 21x29 cm,** 1 - 10 MB, 2048x1024 pixel, 600 pixel | **8x8 – 21x29 cm,** 600 pixel | **8x8 – 21x29 cm,** 1 - 100 KB, 600 pixel | 8x8 cm, 600 pixel |
| Color and management technique | **None ,** Convert color to black and white | Corel Photohouse | Different types of colors | |
| Compression technique | **TIFF G 4**, JPG/JFIF Progressive | **JPG** | **JPG** | JPG/JFIF Progressive |

(b) Original image

CA, KR, NO, SE, and US regarded the image received from an applicant, both in electronic form and paper form, as the original image. AM, AU, GB, and JP considered only the digitized image or paper-submitted marks digitized by the office as the original. 26 Offices regarded only the paper-based images as the original number. They are AT, BG, BR, BY, CA, CH, CY, DE, DK, EM (OHIM), GE, GR, HU, ID, LT, LV, MK, MX, PE, PL, PT, RU, SK, TH, TT, and UA. In addition, all Offices, except four, scanned the image on a paper application to create an electronic image. However, the answers from 10 Offices did not give clear information on which format they considered to be an original.

Question 2: Receiving of digital image

6. Twenty-two Offices answered that they received electronically trademark images in digital format. They are AU, CA, CH, CU, DE, DK, EE, EM, ES, GB, GE, HR, JP, KG, KR, MD, NO, PT, RO, SE, UA, US.

(a) Regulations with regard to receiving digital image

The most cited formatting statistics were:

– Format: GIF, TIFF uncompressed, BMP, PNG, JPEG
– Resolution: 150 dpi - 600 dpi
– Depth: 24 bit at the maximum
– Size: 3x3 up to 17x24 cm

(b) Receiving of electronic color images

Though this question asked whether IPOs received color images electronically, it seemed that some respondents misunderstood it as IPOs' receiving color image regardless of the media of the application. Taking this into consideration, it could be concluded that 22 IPOs received color images electronically.

(c) Applying different regulations or guidelines depending on the color of images

Most Offices checked "No" to this question. They applied the same regulations or guidelines regardless of the color of the image. However, GB, KG, PT, and US answered that they had their own specific regulations for the color images.

(d) Format details presented in those regulations or guidelines

The bold font is the most common answer.

| | Black White | Grayscale | Color | Others |
|---|---|---|---|---|
| Image format | **TIFF**, JPG, BMP, GIF, JPEG | **JPG**, TIFF, BMP, GIF, JPEG, PNG | **JPG**, TIFF, GIF, BMP, JPEG, PNG | |
| Resolution and depth | **300 - 600 dpi, 300 KB,** | **150 - 600 dpi 24 bit,** | **150 - 300 dpi, 24 bit,** True color 768 pixel | |
| Minimum and maximum size | **1x1 – 8x8 cm,** 1 - 2 MB, 2048x1024 pixel | **1x1 – 8x8 cm,** 1 – 3 MB, 1024x768 pixel | **1x1 – 15x15 cm,** 1024x768 - 10MB | |
| Color and management technique | Convert color to black and white, HP Laser Jet 3500 | Convert color to black and white, Corel Photohouse, HP Laser Jet 3500 | Convert color to black and white, Corel Photohouse, HP Laser Jet 3500 | |
| Compression technique | **TIFF G 4**, CCITT4, JPG | JPEG | JPEG | |

Question 3: Person/Office responsible for electronic capturing

7. Only one Office (AT) indicated that it can carry out electronic capture. Fourteen Offices said that either the applicant or the Office can carry out the electronic transfer. The remaining Offices answered that the office carries out electronic capture, but it is uncertain if they will allow applicants to carry out the electronic capture themselves when they submit applications.

Question 4: Methods for displaying the images

8. When multiple choices were taken into account, it appeared that the most common method for displaying the image was the size and scale of the original image scanned.

- Original image scanned: AU, AM, BG, BR, BY, CA, CU, DE, DK, EE, ES, GE, ID, JP, KG, LT, LV, MD, MK, MX, PE, RO, RU, SE, SK, TT, TZ, UA
- Expandable thumbnails: AM, BA, BR, BY, CU, DE, EM, ES, GB, HR, JP, KR, MK, MX, NO, PE, PL, PT, TZ, UA
- Thumbnails: AU, CH, EM, HR, TH, TZ, UA
- Full screen image: AU, BA, CA, EM, GB, GR, HR, HU, KR, PL, TH, UA, YU
- Other: In case of AT, GB, RU, and US, display methods vary depending upon usage.

Question 5: Practices in handling the images

(a) Management of the digital image that doesn't fully comply with the relevant regulations

When Offices receive digital image that does not fully comply with the relevant regulations or guidelines, most respondents answered that they return the images to the applicant (or their representative) in order to request corrections. A variation on this action was to send back an office corrected image for approval. It also appeared that application software systematically prevented the loading of a non-complying image.

(b) "Touch-up" process and its tools

The majority of responding Offices did limited touch-ups for scanned images for removing blemishes, erasing lines that come from folding, or correcting the color of the image in order to correct inconstancies. It is worthwhile to note that US, UA, and BG did not touch up scanned images. Offices commonly use Photoshop for the touch up process.

(c) Resources to ensure the quality of mark images

- Trained Personnel: most Offices trained personnel for scanning and reviewing images to ensure quality.
- Procedure: most Offices answered that trained staff confirmed the similarity of the received image compared with the original image and returned bad images to the applicant requesting a replacement. Moreover, GB mentioned that it enabled the applicants to confirm captured images through a website link included in the receipt e-mailed from the Office.

- Regulations or guidelines: about 10 Offices answered that they had written regulations or guidelines on the quality of marks. Specifically, GB provided important information about application requirements by providing guidelines entitled "On-line Trademark Applications Image Guidelines". These guidelines supplied detailed processes and relevant requirements to which applicants should conform, in a step-wise approach.
- Imaging tools: HP, Canon, and Fujitsu were preferred as scanner and Photoshop for software.

Question 6: Amount of images stored in IPOs

9. Offices reported varying numbers of digital images stored in their computer systems, the largest being some two million images. By format, TIFF and JPEG (or JPG) were the most widely accepted formats for storing the images.

Question 7: Color space in use

10. Almost all Offices, excluding IPOs which did not give clear answers to this question or did not receive color image, used RGB (or sRGB) color space. JP converted RGB into YCrCb; UA used YCrCb as well as RGB.

Question 8: Operating color management system of tools

11. It seemed that a color management system was not widely implemented by IPOs. About 10 Offices which had color management systems performed calibration on their tools. Kinds of scanner, monitor and printer differed from Office to Office. However, CH expressed its view that the benefit of color management system is of limited use or does not justify the cost in relation to the few number of applicants that would be affected.

Question 9: Listing electronic tools for processing images

12. This question was intended to find out which software and hardware should be considered as a WIPO Standard. Most answers were almost similar to the answers to the Question 5 (c) concerning imaging tools. The preference order for scanners was HP, Cannon, and Fujitsu. Photoshop was most preferred for software.

Question 10: Experience and comments of IPOs in processing the images

13. It is hoped to obtain information through this question on the actual experiences of the IPOs. The following notable responses were received (some have been edited for clarity):

- AT: Brilliant colors like gold, silver are not easy to scan. Color gradations, nuances are difficult to reproduce. It is difficult to only retouch one color especially when the limits are fuzzy.

- AU: The Office's primary image tool, Image Magic, has encountered some problems in converting CMYK images and in reading different image compressions or new image libraries. However, the Office has so far found this to be the best tool for the Office. For Color Marks, the Office currently asks its clients to provide endorsement text that will accurately describe the color of the mark (e.g., in pantone codes) as colors can be slightly distorted in the scanning, printing, and display processes.

- BA: It is hard to get the correct tone and color balance on scanned pictures, particularly when the Office scans the image printed by low-end inkjet printers.

- BG: It is better for the Offices to accept and organize images without any additional intervention, receive and accept images ready for publication from the customer, and process the applications with the accompanying images.

- CA: Offices need to perform periodic quality review checks of scanned images at various stages, throughout the processing of an application, and to review the quality of stored images in a trademark database.

- CH: The result of any conversion is shown to the applicant during e-filing, so that the applicant can agree on the result. A central transformation and validation component helps to keep the database clean. Validation must be throughout and sophisticated. The Office had PDF's where the extension was changed to .jpg and then filed.

- DE: Including filed digital images, instead of scanning filed paper images, improves quality and reduces the time for processing. High data compression of .jpg reduces the quality significantly, especially of scanned images.

- GB: With existing technology, the Office has only been able to handle the sRGB color space consistently through color scanning, display and printing. For precise and wider colors, the Office encourages the applicant to describe the colors using internationally recognized identification codes. These codes appear as text within the acquired digital image. The digital image is not scanned in color. The Office expects to widen its handling of electronically filed images to the Adobe RGB color space. In doing this, the Office may need to employ a characterization input profile for the scanner. For the current Epson scanner, the Office has the option to use the Lasersoft SilverFast scanner software with IT8 characterization. While the Office does not currently permit the applicant to file an image with LZW compression, file formats include GIF and TIFF LZW. The Office prohibits LZW because there is a risk that an electronically filed image was produced by unlicensed software. The original Unisys patents for LZW expired in 2004 but patents still exist for "improvements". The Office passes on the trade mark images to a number of data users, who may publish these images within an online service. If the image was manufactured at a time when a patent was active then there could be a license infringement. The Office would prefer that file formats employing the LZW algorithm are excluded from any proposed standards unless Unisys confirms that there is no risk of a patent infringement. On occasion applicants have electronically filed images which are either not image files or are unsupported formats, e.g., AOL ART files or files which have been renamed from one format to another, e.g., GIF to .TIFF.

– US: There have been issues with FAX images not being scanned with a similar number of pixels per unit of space on the X and Y axis. Some software will not retain the aspect ratio and this distorts the image. The Office has found it useful to use image formats that can be displayed in a web browser. At time of filing, the applicant can confirm that the image is viewable and there have not been issues with the applicant being able to view the image and the Office's software not being able to display it. These formats are also more convenient for archival purposes since special software compatible with the image data is not required. There have been some issues with some applicants not fully understanding digital image attributes (such as formats, compression, and resolution) and this provides a challenge in crafting clear instructions. There are occasionally issues with image quality for those images submitted electronically, including poor cropping (such as scanning an entire page for a small drawing). When this full image is scaled for display, the image of the mark may become very small and off-centered. Occasionally, there will be a JPEG image that, when displayed with some software products, has undesirable color variation. Opening the image in another software product and then saving the image from that product, has corrected this problem.

## SECTION II

Question 1: Current practice and future direction for other types of marks

14. Sound marks were registered as trademarks in AM, AT, AU, BG, DE, DK, EM, GE, HU, LV, MK, NO, PE, PL, PT, RU, US, and YU. Applicants, however, had to observe some legal or technical requirements, like keeping format details and submitting relevant notes, sound graphics, etc. Some of those Offices receive motion marks and are considering processing other types of marks. Other respondents also indicated that those marks were under consideration at the moment or would be handled after internal discussion in the near future.

Question 2: The number of applications/registrations by the type of mark

15. Even though the definitions of the types of marks were somewhat different for each of the IPOs, they could be divided into the following seven categories: word mark, figurative mark, image mark, color mark, three-dimensional marks, composite mark, others (such as verbal, sound, hologram, etc.). However, some answers were unclear with regard to the type of marks and the number of applications and registrations. The most common type of mark was a word mark in both the number of applications and registrations. Please refer to the Appendix 2 for more detailed information.

Question 3: Other types of marks processed electronically

16. Except for the types of mark mentioned in Question 1 of Section II, some additional answers were as follows:

- CA: Certification Marks, Distinguishing Guises, Trademarks, three-dimensional marks.
- DE: Touch mark (haptic mark), holographic marks, colored tracer thread mark.
- GB: Word-only marks in standard characters are held as text only without a figurative image.
- KR: characters, figures, dimensional shapes.
- PT: verbal (if represented in character type different from courier) and figurative marks including mixed verbal + figurative.
- US: Scent marks (submitted as textual description), Color marks (submitted as an image accompanied with a description), Configuration marks (two-dimensional representation of a three-dimensional shape).

## CONCLUSIONS

### Introduction

17. At the third session of the SDWG, there were a number of issues raised with regard to the analysis of the survey conducted in July 2001. To tackle these issues, outside consulting was received and it was decided to carry out an additional survey. The information received from the consultants and the analysis of the results of the additional survey afford additional information to formulate a new WIPO Standard on the electronic management of figurative elements of marks. Taking into consideration the recommendations proposed at the third session of SDWG, and the information received from the consultants, the following conclusions could be formulated.

### Image format and size

18. It seems that it is difficult to draw up certain guidelines from the comprehensive range of responses received for each item. However, the following conclusions could be drawn based on the most commonly mentioned answers. TIFF and JPEG are widely used and seem to be the *de facto* standards on the market as well as in IPOs. In addition, it may be better to recommend an image size stated in pixels, and require that submitted images fall within a given range.

With this, the following image attributes are recommended to be used:

1. File Format – TIFF and JPEG
    a. Black and White: TIFF uncompressed or TIFF Group-4
    b. Grayscale: 8 bit JPEG
    c. Color: 24 bit JPEG
    d. Recommend phasing out proprietary and licensed formats such as GIF, TIFF (for grayscale and color), and LZW.

2. Resolution (for an 8x8cm space):
    a. Black and White: 2048 x 1536
    b. Grayscale: 1024x768 (Standard VGA sized screen)
    c. Color: 1024x768 (Standard VGA sized screen)
    d. Black and white images are generally scanned by IPOs at higher resolutions; accordingly, a higher resolution should be used.

3. Color – RGB

19. While these are goals, there is a need to be fully aware and respectful of the different legal and local requirements of individual IPOs. Accordingly, the system has to be composed of standards based on a minimum recommendation and its format should be easily transferable between IPOs.

Color management

20. A majority of the respondents stated they do not have a color management system. However, about 10 respondents mentioned that they did; an overview of their systems can be found under Question 8. We recommend further investigation into these systems to see their applicability to other IPOs. It is recommended that IPOs streamline internal procedures to minimize additional processing of the image filed by the applicant, and to communicate with applicants to obtain their feedback on the image processed by the Office.

Rejected Images and Touch-ups

21. There is a range of responses concerning images that do not comply with an IPOs format rules. The most numerous response was to return poor quality images to the applicant, and to ask for a replacement. Yet, paradoxically a majority of offices responded that they do minor "touch-up" work on images to remove blemishes, fold lines, dust, or to correct the image size to insure conformity to rules or guidelines.

22. Accordingly, it may be worth exploring this further with a view to establishing a set of guidelines as to what constitutes a submitted image that is of truly poor quality and one that is only in need of minor touch-ups. Also included in such an exploration should be a survey of the quality control system in use in IPOs. These guidelines should reflect only considerations regarding the quality control system, without conflicting with national laws or rules in place already.

23. A majority of Offices are using Adobe Photoshop for "touch-ups". This leads to two recommendations. Firstly, perhaps it is worthwhile to come up with a standard set of filters, or a standard "touch-up" procedure, based on Photoshop in order to harmonize practices in IPOs as well as to help those IPOs which are just starting to implement a digitations process. Secondly, it may be worth investigating if this rather expensive tool is being used to its full potential. The tool could be used to create standards for color calibration, image checking, or reformatting images. Alternatively, it could be possible that a less expensive tool should be recommended for carrying out the same procedures.

Hardware Requirements for Image Scanning

24. There is no clear brand or combination of equipment worth recommending based on this survey. Furthermore, with the wide array of quality equipment on the market, it is not possible, on the basis of this survey, to formulate an ideal product set. However, any equipment should be able to comply with the minimum recommendations described above. Refined equipment requirements may be a direct result of an investigation into color management systems.

Non-traditional Marks

25. Most Offices have seen an explosion of non-traditional marks, such as specific colors, sounds, 3-dimensional marks, and holograms. There seems to be a wide array of methods for digitizing these marks; often they are made possible through the rules and laws governing that specific IPO. While it is difficult to make specific recommendations concerning these particulars, it is recommended that all Offices keep abreast of the latest developments in this area in order to implement the most appropriate practices for that Office and that aims at harmonization.

## CURRENT AND FUTURES STEPS

Step taken

26. The Task Leader invited Task Force members to make preliminary comments, at the seventh session of the SCIT/SDWG, on the additional survey, specifically on the conclusions and the collated responses to the questionnaire reproduced in Appendices 1 and 2, respectively.

Further steps to be taken from SCIT/SDWG/7 to SCIT/SDWG/8

27. The Trademark Standards Task Force invites the SDWG to consider and approve the work completed by the Task Force to date. Based on comments and information from SDWG members, the Task Force will develop further recommendations on how figurative elements of marks should be captured and displayed with the aim of submitting a proposal at the next SDWG.

[Appendix 2 is published only in electronic form at:
http://www.wipo.int/meetings/en/details.jsp?meeting_id=10266]

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