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REVISION OF WIPO STANDARD ST.60

Document prepared by the International Bureau

1. The Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) requested the International Bureau to discuss the inclusion of a new INID code in WIPO Standard ST.60 during the forthcoming meeting of the SCIT Working Groups, scheduled to be held during the week of December 6 to 10, 1999.
2. In particular, the OHIM proposed to include under the category “(500) Various information” the following new code:

(558) Color mark per se.
3. The International Bureau has prepared an amended version of Appendix 1 “List of INID Codes” to WIPO Standard ST.60, which is annexed to this document. The proposed new INID code is highlighted in bold characters.
4. *The Standards and Documentation Working Group is invited to note the request by the OHIM and to consider the proposed revision of the above-mentioned code list.*

[Annex follows]

APPENDIX 1

LIST OF INID CODES

(Any explanatory notes appear at the end of this list)

Amended version prepared by the International Bureau

(100) Data concerning the registration/renewal

* Serial number

(111) Serial number of the registration

(116) Serial number of the renewal where different from initial registration number

(117) In case of a renewal, the number(s) of the registration prior to the renewal(s)

(141) Date of the termination of the registration of the mark

* Date of the registration/renewal

(151) Date of the registration

(156) Date of the renewal

Related registration numbers

(161) Earlier registration number(s) of the renewed registration if different from the number(s) indicated under the codes (111) and (116)

(170) Expected duration of the registration/renewal

(171) Expected duration of the registration

(176) Expected duration of the renewal

(180) Expected expiration date of the registration/renewal

(181) Expected expiration date of the registration

(186) Expected expiration date of the renewal

Authority registering the mark

* (190) Identification using the two-letter code (WIPO Standard ST.3) of the authority registering the mark

(200) Data concerning the application

* (210) Serial number of the application

* (220) Date of filing of the application

(230) Data concerning exhibitions

(250) Place of filing of the application

* (260) Serial number of the examined application

(270) Language(s) of the application

(300) Data relating to priority under the Paris Convention and other data relating to seniority or to the registration of the mark in the country of origin

* (310) Serial number assigned to the first application

* (320) Date of filing of the first application

* (330) WIPO Standard ST.3 code, identifying the national or regional Office where the first application was made or the organization where the first application was made

(340) Partial priority

(350) Seniority

(360) Partial seniority

(390) Data relating to the registration in the country of origin (for instance in the case of a "telle quelle" registration)

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(400) Date(s) of making information available to the public

- (441) Date of making information available to the public regarding the non-examined application
- (442) Date of making information available to the public regarding the examined application
- (450) Date of making information available to the public regarding the registration

(500) Various information

Classification, goods and/or services

- * (510) List of goods and/or services, if not classified
- * (511) The International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and/or list of goods and/or services classified according thereto
- (512) National classification and/or list of goods and/or services classified according thereto

Indications regarding the use of the mark

- (521) Indication to the effect that the mark has acquired distinctiveness through use in trade
- (523) Indication that the applicant has submitted evidence of his right to use certain elements of the mark
- (525) Indication that the mark has been cancelled for non-use
- (526) Disclaimer
- (527) Indications regarding use requirements
- (529) Indications regarding use limitations

Description of the figurative elements of the mark

- (531) According to the International Classification of the Figurative Elements of Marks (Vienna Classification)
- (532) According to a national classification
- (539) By using keywords or a freely formulated text

- * (540) Reproduction of the mark
- * (541) Reproduction of the mark where the mark is represented in standard characters
- * (546) Reproduction of the mark where the mark is represented in non-standard characters

- (550) Indication relating to the nature or kind of mark
- (551) Indication to the effect that the mark is a collective mark, a certification mark or a guarantee mark
- (554) Three-dimensional mark
- (555) Hologram mark
- (556) Sound mark, including characteristics
- (557) Olfactory mark, including characteristics
- (558) Color mark per se**

- (561) Transliteration of the mark
- (566) Translation of the mark or of words contained in the mark

(571) Description of mark

(580) Date of recording of any kind of transaction in respect of applications or registrations (e.g., change in ownership, change in name or address, renunciation, termination of protection)

(591) Information concerning colors claimed

(600) References to other legally related application(s) and registration(s)

- (641) Number(s) and date(s) of other legally related applications
- (646) Number(s) and date(s) of other legally related registrations

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(700) Information concerning parties concerned with the application/registration

- * (730) Name and address of the applicant or the holder of the registration
- * (731) Name and address of the applicant
- * (732) Name and address of the holder of the registration
- (733) Indication of the trade of the applicant

- (740) Name and address of the representative

- (750) Address for correspondence

- (770) Name and address of the previous applicant or holder (in case of change in ownership)
- (771) Previous name and address of the applicant or holder (in case of no change in ownership)

- Information regarding licensee(s)
- (791) Name and address of the licensee
- (793) Indication of conditions and/or restrictions under the license

(800) Certain data relating to the international registration of marks under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement

Data concerning entitlement

- (811) Contracting State of which the holder is a national
- (812) Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
- (813) Contracting State or Contracting Organization in the territory of which the holder has his domicile
- (814) Contracting Party in the territory of which the new holder fulfills the conditions to be the holder of the international registration

Data concerning the basic application or the basic registration

- (821) Basic application
- (822) Basic registration

Data concerning the Contracting Parties covered by the international registration, the renewal or a change

- (831) Designations under the Madrid Agreement
- (832) Designations under the Madrid Protocol
- (833) Interested Contracting Parties

Various information

- (841) State of which the holder is a national
- (842) Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Data concerning the limitation of the list of goods and services

- (851) Limitation of the list of goods and services

Data concerning refusal of protection and invalidations

- (861) Total refusal of protection
- (862) Partial refusal of protection
- (863) Effective date of invalidation

Data concerning a change in respect of the international registration

- (871) Number of the assigned part of the international registration
- (872) Numbers of the international registrations which have been merged
- (873) Number of the international registration resulting from the merger

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Data concerning replacement and division

- (881) Number(s) and date(s) of national or regional registration(s) replaced by an international registration (Article 4*bis* of the Madrid Agreement and Article 4*bis* of the Protocol)
- (882) Date and number of the basic application, of the registration resulting therefrom, or of the basic registration, which is the subject of the division
- (883) New numbers of the basic application, of the registration resulting therefrom, or of the basic registration, resulting from the division

Data concerning subsequent designations

- (891) Date of subsequent designation (Rule 24(6) of the Common Regulations)

[Explanatory notes follow]

EXPLANATORY NOTES

Re: INID codes (111), (116), (210), (260) and (310)

By “serial” is meant the number of the application, registration or renewal in the applicable series of numbers.

Re: INID code (117)

Only applicable to offices which allot a new registration number when a registration is renewed.

Re: INID code (141)

By termination is meant any way provided for in the law for terminating the registration: e.g., cancellation by the holder, *ex officio* by the office, by court decision.

Re: INID code (170) vis-à-vis codes (171) and (176) and
INID code (180) vis-à-vis codes (181) and (186), respectively

The codes (170) and (180) are to be used when an office does not differentiate between registrations and renewals.

Re: INID codes (171), (176) and (181), (186)

The “expected duration” is normally expressed in number of years: e.g., 10 years.

The “expected expiration date” is normally expressed by a date: e.g., 1998.11.11 or November 11, 1998. (See WIPO Standard ST.2.)

The codes (171) and/or (176), on the one hand, and (181) and/or (186), on the other hand, are mutually exclusive.

Re: INID code (190)

This code is mainly intended for use in mark databases and in certificates where the identification of the authority registering the mark is indispensable; for gazettes, the authority publishing them is normally already mentioned on the cover page.

Re: INID code (220)

By “date of filing” is meant the date of filing as allotted to the application by the Office.

Re: INID code (230)

It is possible to indicate various data here such as place, dates of the exhibition; “exhibition” is defined as in Article 11 of the Paris Convention or according to the applicable law.

Re: INID code (260)

This code is essential for countries such as Japan and the Republic of Korea, which publish applications after examination in a number series different from the number series referred to in INID code (210).

Re: INID codes (300) plus (310), (320) and (330)

If multiple priorities are invoked, these INID codes can have multiple occurrences of at least the serial number and the date.

Re: INID codes (340), (350) and (360)

These codes are essential for Offices such as the Office for Harmonization in the Internal Market (Trade Marks and Designs) to indicate certain data related to national applications or registrations in respect of community trade marks.

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Re: INID codes in category (400)

By “making available to the public” is also meant making available for the purposes of opposition.

Re: INID codes (511) and (512)

These codes may be used to identify either (a) a class (or classes) only, or (b) list of goods and/or services only, or (c) both a class (or classes) and list of goods and/or services.

Re: INID codes (512) and (532)

These codes should be preceded in parentheses by the two-letter code (WIPO Standard ST.3) identifying the country whose national classification is used.

Re: INID codes (526), (527) and (529)

Normally to be used for indications in text form concerning certain limitations regarding the use of the mark or part of the mark, concerning geographical limitations, etc.

The code (527) may be used not only for indications relating to actual use but also for indications to intention to use the mark.

Re: INID codes (540) vis-à-vis (541) and (546)

The code (540) is to be used when an office does not want to differentiate between code (541) and code (546).

Re: INID code (541)

This code is normally to be used when the mark is considered to be a word mark.

Re: INID code (546)

This code is normally to be used when the mark contains figurative elements.

Re: INID code (550)

This code is provided to allow the grouping of the data elements corresponding to codes (551) to (557).

Re: INID code (600)

Category code (600) should be used by countries which were previously part of another entity for identifying bibliographic data elements relating to applications or registrations of marks which data had initially been announced by the industrial property office of that entity.

Re: INID codes (641) and (646)

These data are different from those referred to in INID code (161). They relate, e.g., to associated marks, divisional applications and partial assignments.

Re: INID codes (730), (731), (732), (770) and (791)

These codes also cover several applicants, holders, representatives or licensees.

Re: INID codes (730) vis-à-vis (731) and (732)

The code (730) is to be used when an office does not want to differentiate between code (731) and code (732).

Re: INID codes (730), (731) and (732) vis-à-vis (770) and (771)

The codes (730), (731) and (732) should also be used to identify the name and address of the new applicant or holder in case of change in ownership, and the new name and address of the applicant or holder in case of no change in ownership.

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Re: INID codes (812) and (813)

Only applicable where the address of the holder (or of one of the holders) is not in the territory of the Contracting Party whose Office is the Office of origin or, where a change in the ownership of the international registration has been recorded in the International Register, where the address of the transferee (or of one of the transferees) is not in the territory of the Contracting Party (or of one of the Contracting Parties) in respect of which the transferee fulfills the conditions to be the holder of an international registration.

Re: INID codes (821) and (822)

In some cases (e.g., where a country which has become party to the Protocol still applies the single class application system), the international application (exclusively governed by the Protocol) can be based on one or more basic applications (code (821)) and basic registrations (code (822)) if the international registration covers several classes of goods and/or services.

Re: INID codes (831) to (833)

No INID codes are provided for where a change affects all the designated Contracting Parties (in the case of total change in ownership (transfer)).

Re: INID codes (831) and (832)

By "designation" is meant a territorial extension made in the international application or subsequent to the international registration. Code (831) and/or code (832) will be used in the publication of international registrations, subsequent designations, renewals and partial changes in ownership.

Re: INID code (833)

This code will be used in the publications of renunciations, limitations and partial cancellation.

Re: INID codes (841) and (842)

The information covered by these codes is optional for the purposes of international registration and is intended to comply with requirements under the laws of some designated Contracting Parties.

Re: INID code (851)

This code will be used where a limitation of the list of goods and services is included in an international application or in a subsequent designation.

Re: INID code (871)

In the case of a partial assignment of the international registration, the assigned part (recorded in the name of the transferee) will bear the same number as the international registration concerned, followed by a capital letter.

[End of Annex and of document]