

From: "Fastenbauer Katharina DI."
<Katharina.Fastenbauer@patent.bmvit.gv.at>
To: <scit.mail@wipo.int>
Date: Thu, Oct 13, 2005 2:44 PM
Subject: Questionnaiere Circular C.SCIT 2617

Dear all SCIT,
Please find in the attachement the responses of the Austrian Patent Office to
this questionnaire.

If some of my answers do not fit to what you expected as answer, please do not
hesitate to ask me again, I will try my best to improve my answers.

mit freundlichen Grüßen / kind regards / avec mes meilleurs sentiments

Katharina Fastenbauer
Technische Abteilung 3A
Elektrotechnik und Informatik

Österreichisches Patentamt
Dresdner Straße 87
A 1200 Wien

tel. +43 1 534 24 447
katharina.fastenbauer@patentamt.at

Additional questionnaire concerning formats for figurative elements of marks currently in use by Industrial Property Offices

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

Please provide the following contact information in order for us to contact the person responsible for the Questionnaire in case of need:

<u>Contact details of the Reporting Office:</u>	
Name of the Reporting Office	<input type="text" value="AT"/> (ST.3 two-letter country/organization code) <i>Austrian Patent Office; Österreichisches Patentamt</i>
Person to contact	Name: <i>Katharina Fastenbauer</i>
	Tel. number: <i>+43 1 534 24 447</i>
	E-mail: <i>katharina.fastenbauer@patentamt.at</i>

Q U E S T I O N N A I R E

SECTION I

QUESTION 1

Does your Office process electronically the figurative elements of marks?

- Fully YES** (in case that whole process employs digital image)
- Partially YES** (in case that some parts of the process employ paper)
- NO**

If your Office processes electronically the figurative elements of marks (i.e., if you answered "Fully Yes" or "Partially Yes"):

(a) Which format is your Office currently using?

(i) For scanning:

	Black White	Grayscale	Color	Others
Image format	<i>like color</i>	<i>like color</i>	<i>GIF</i>	
Image resolution & Depth			<i>300 dpi, 256 colours experience: 150 dpi also is enough</i>	
Minimum and Maximum size of image			<i>max. 8x8 cm on paper</i>	
Image color management techniques			<i>by softwre "photoimpact"</i>	
Compression technique & Rate			-	

Note: Please fill in the tables according to the comments as follow:

- **Image format:** (TIFF, JPG, GIF, PNG, CCITT...specify with the version, e.g., TIFF Group 4):
- **Image resolution and Depth:** (in dots per inch for resolution and dpi for depth)
- **Minimum and Maximum size of image:** (specify physical size of the input image with unit, not the storage size of the resulting image)
- **Image color management techniques:** (i.e., description of techniques applied to ensure reliable color reproduction)
- **Compression technique and Rate:** (specify general or IPO's specific compression technique and rate)

(ii) For publishing:

	Black White	Grayscale	Color	Others
Image format	<i>all as in (i)</i>			
Image resolution & Depth				
Minimum and Maximum size of image				
Image color management techniques				
Compression technique & Rate				

Note: Please refer to the above comments.

(iii) For displaying:

	Black White	Grayscale	Color	Others
Image format	<i>all as in (i)</i>			
Image resolution & Depth				
Minimum and Maximum size of image				
Image color management techniques				
Compression technique & Rate				

Note: Please refer to the above comments.

(iii) For other purpose (please specify):

	Black White	Grayscale	Color	Others
Image format	<i>all as in (i)</i>			
Image resolution & Depth				
Minimum and Maximum size of image				
Image color management techniques				
Compression technique & Rate				

Note: Please refer to the above comments.

(b) What does your Office regard as an original image and how does your Office store it (please describe in detail)?

Insert your reply below (free text, table, etc.):

The Austrian Patent Office only accepts images on paper, as we only accept applications on paper. This paper-image is regarded as the original image and stored together with the paper-file.

QUESTION 2

Does your Office receive electronically trademark images in digital format?

YES NO

- (a) If "Yes," please specify your regulations or guidelines for accepting digital images (specifically about size, format, media of an image):

Insert your reply below (free text, table, etc.):

As for now we do not accept images in electronic format, the following answers to question 2 (b) and (c) relate to images on paper.

When a trade-mark application is made by fax, the application date is defined by the date of the arrival of the fax in our office. Nevertheless, we need an original application following this fax when there are doubts about the authenticity.

- When the trademark is a word-mark or the image is only black & white, and therefore the fax contains a good reproduction, the application date = date of fax is kept.*
- When the original image is in color and the color is essential for the distinctive character/general impression - the application date is changed to the date of the arrival of the color image.*

- (b) Does your Office accept color images?

YES NO

- (c) Does your Office apply different regulations or guidelines depending on the color of the image (e.g., different for black-white image and color image)?

YES NO

- (d) Please also indicate your practice for each item listed below based on your regulations or guidelines:

	Black White	Grayscale	Color	Others
Image format				
Image resolution & Depth				
Minimum and Maximum size of image				
Image color management techniques				
Compression technique & Rate				

Note: Please refer to the above comments.

QUESTION 3

Who carries out the electronic capture?

- Applicant
- Your Office
- Applicant and your Office
- Other (please specify):

The backlog from Register number 1 to 188.000 has been scanned some years ago by an external enterprise. Since then, the images are scanned at the time of registration by our trademark register.

In addition we scan the images at the time of application in jpg-format for the purpose of displaying them for our similarity search and during the examination procedure.

QUESTION 4

Indicate how the images of figurative elements of marks are displayed (e.g., expandable thumbnails, thumbnails only, full screen image):

- Normal:
- Expandable thumbnails:
- Thumbnails only:
- Full screen image:
- Other (please specify): *the images are displayed via a browser. For this the width is fixed, the height is adjusted by the browser.*

The examination is based on the paper file+image, but additionally tools for preparing outgoing letters with MS-Word are offered. Here also bibliographic data + jpg- images are displayed via the MS-Internet Explorer in fixed width ("width="200"), and may be looked up as full-screen image.

Note: You may choose more than one if applicable.

QUESTION 5

- (a) If your customer files a digital image that does not fully comply with the relevant regulation or guideline, how does your Office handle it (please describe in detail)?

Insert your reply below (free text, table, etc.):

We only accept images on paper.

- (b) Please identify if you "Touch Up" scanned images. What procedures and software tools do you have in place for "Touch Up"?

Insert your reply below (free text, table, etc.):

*Scan-software: Epson-scan + photoimpact, Version 4.0 from Ulead Systems.
Scan with 300 dpi on one station, but 150 dpi on the other, which is sufficient for us.
256 colours, stored as GIF, with no compression-factor.*

*During scanning the image on the screen is compared with the image on paper and touched up with "photoimpact" (colours, eliminate shadows etc.).
After that, the images are reviewed and sometimes re-touched-up, but very rarely.*

(c) Please also specify which practice(s) is(are) used to ensure that the quality of mark images is identical to that of original images:

▪ Skilled person:

Insert your reply below (free text, table, etc.):

Persons = our trademark register; Training on the job; quality assured by reviewing scanned images by another person.

▪ Procedures (i.e., notification to applications, etc.):

Insert your reply below (free text, table, etc.):

*Requirements for paper image: max. 8 x 8 cm
Image is scanned in original size*

▪ Regulations or guidelines:

Insert your reply below (free text, table, etc.):

No written guidelines, only oral transmission of experiences ...

▪ Imaging tool (i.e., scanner, software, etc.):

Insert your reply below (free text, table, etc.):

*Scanner: Epson perfection 2400 photo (two of them)
Software: photoimpact V4.0 from Ulead Systems
Printer: HP color laserjet 4500; Xerox Docu Color 1632*

But we propose the use of the phrase: ... image may differ in quality from original image ...

▪ Others (please specify):

Insert your reply below (free text, table, etc.):

QUESTION 6

How many mark images are stored with the above-indicated format(s) in your Office's computer system(s) (please list breakdown by format)?

Insert your reply below (free text, table, etc.):

About 20.000 images scanned by registry after Register number 188.000, and about 50.000 scanned externally for the backlog 1-188.000.

QUESTION 7

Which color space does your Office currently use (i.e., RGB, sRGB, YcrCb, etc.)?

Insert your reply below (free text, table, etc.):

RGB – that is what the software photoimpact uses.

QUESTION 8

Does your Office have a color management system for equipment such as scanner, monitor, printer, etc., to ensure the image quality?

YES NO

If "Yes," please specify your practice:

- (i) Calibration (please indicate specification of scanner, monitor, printer, etc.):

Insert your reply below (free text, table, etc.):

We are aware of this problem, but do not have a solution for it until yet => we hope to learn from the experiences of other offices by the way of this questionnaire!

- (ii) Profiling (or characterization):

If applying ICC profile: *Insert your reply below (free text, table, etc.):*

Others: *Insert your reply below (free text, table, etc.):*

- (iii) Color transformation: *Insert your reply below (free text, table, etc.):*

QUESTION 9

Please indicate the list of software and hardware on which your Office depends to process electronically an image (in particular color image), which information could eventually be used to establish a new WIPO standard:

Insert your reply below (free text, table, etc.):

See list in question 5(c).

QUESTION 10

Please identify any additional information that your Office has discovered related to the processing of images (i.e., best practices, problems, solutions, experiences, etc.):

Insert your reply below (free text, table, etc.):

- *Brilliant colours like gold, silver are not easy to scan. Gold becomes black.*
- *When the paper is too brilliant, the image is difficult to scan.*
- *When the background of the image is not really white, the colours of the image are influenced.*
- *Colour gradations, nuances are difficult to reproduce; problem with blue/green.*
- *The standard-function for retouching colours retouches all of the colours. So it is difficult / impossible to only retouch one of them, especially when the limits are fuzzy.*

- *All of these problems only arise very rarely, perhaps in 2% of the images.*

SECTION II

QUESTION 1

Please indicate your Office's current and future direction for other types of marks (i.e., sound mark, smell mark, motion mark, etc.):

Insert your reply below (free text, table, etc.):

No directives for such other marks at the moment.

For the moment less than 10 sound trade marks, no other kinds like smell or motion.

QUESTION 2

Please indicate the number of applications/registrations your Office currently has, grouped by the type of mark:

Insert your reply below (free text, table, etc.):

In Austria we have about 8000 - 9000 applications per year, about 7000 registrations per year.

Approximately 50 % are word-marks, 50% with an image, but the percentage of images is continuously increasing.

QUESTION 3

Please indicate if your Office processes in electronic form any other types of marks besides those mentioned in Question 1 of Section II:

Insert your reply below (free text, table, etc.):

AT processes no other types of marks.

GLOSSARY

Color space:

A color model is an abstract mathematical model describing the way colors can be represented as tuples of numbers, typically as three or four values or *color components* (e.g., RGB and CMYK are color models). However, a color model with no associated mapping function to a reference color space is a more or less arbitrary color system with little connection to the requirements of any given application. For example, Adobe RGB and sRGB are two different color spaces, both based on the RGB model. (*Wikipedia, the free encyclopedia*)

Calibration:

The process of returning a device to known color conditions. Commonly done with devices that change color frequently, such as monitors (phosphors lose brightness over time) and printers (proofers and other digital printing devices can change output when colorant or paper stock is changed). (*Adobe.com*)

Profiling (Characterization):

Characterization is the process of identifying the relationship between a device-dependent color gamut and device-independent color. After a device has been calibrated, characterizing is the next process (sometimes referred to as profiling a device). Any production device that scans, displays, or prints a standard target comprised of many different solids and tints can be characterized. (*Adobe.com*)

ICC profile:

Set of transforms from one colour encoding to another, e.g. from device colour coordinates to profile connection space, prepared in accordance with ICC.1. (*ISO 12231 and ISO 12647-1*)

Color transformation:

A transformation process that begins with color information that is encoded in one color space, or appropriate for one device, and produces corresponding information in a different color space, or for a different device. Color transformations are of particular interest in digital imaging where they are used to transform images from one device space to another, e.g., monitor RGB to printer CMYK). (*Chem industry.com*)

[End of Annex and of questionnaire]