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**To:** <scit.mail@wipo.int>  
**Date:** Thu, Oct 13, 2005 8:29 PM  
**Subject:** Circular C. SCIT 2617 - Questionnaire on SDWG Task No.20

Dear Sirs,

enclosed please find the completed questionnaire on SDWG Task No. 20  
(Formats for figurative Elements of Marks currently in use by Industrial  
Property  
Offices).

Yours sincerely,

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## **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	<u>DE</u> (ST.3 two-letter country/organization code) <i>German Patent and Trademark Office</i>
Person to contact	Name: <i>Christian Posselt</i>
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## **QUESTIONNAIRE**

### **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>jpg</i>	<i>jpg</i>	<i>jpg</i>	
Image resolution & Depth	<i>300</i> <i>2</i>	<i>300</i> <i>8</i>	<i>300</i> <i>24</i>	
Minimum and Maximum size of image	<i>- 2 MB</i>	<i>- 3 MB</i>	<i>- 18 MB</i>	
Image color management techniques				
Compression technique & Rate	<i>jpg/</i> <i>0%</i>	<i>jpg/</i> <i>0%</i>	<i>jpg/</i> <i>0%</i>	

**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>jpg</i>	<i>jpg</i>	<i>jpg</i>	
Image resolution & Depth	<i>150</i> <i>2</i>	<i>150</i> <i>8</i>	<i>150</i> <i>24</i>	
Minimum and Maximum size of image	<i>300B-10kB</i>	<i>1kb-300kB</i>	<i>1.5kB-1.4MB</i>	
Image color management techniques				
Compression technique & Rate	<i>jpg/</i> <i>20%</i>	<i>jpg/</i> <i>20%</i>	<i>jpg/</i> <i>20%</i>	

**Note:** Please refer to the above comments.

(iii) For displaying:

	Black White	Grayscale	Color	Others
<b>Image format</b>	<i>jpg</i>	<i>jpg</i>	<i>jpg</i>	
<b>Image resolution &amp; Depth</b>	<i>150 2</i>	<i>150 8</i>	<i>150 24</i>	
<b>Minimum and Maximum size of image</b>	<i>300B-10kB</i>	<i>1kb-300kB</i>	<i>1.5kB-1.4MB</i>	
<b>Image color management techniques</b>				
<b>Compression technique &amp; Rate</b>	<i>jpg/ 20%</i>	<i>jpg/ 20%</i>	<i>jpg/ 20%</i>	

**Note:** Please refer to the above comments.

(iii) For other purpose (please specify):

	Black White	Grayscale	Color	Others
<b>Image format</b>				
<b>Image resolution &amp; Depth</b>				
<b>Minimum and Maximum size of image</b>				
<b>Image color management techniques</b>				
<b>Compression technique &amp; Rate</b>				

**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.):*

*According to section 32 clause 3 and section 65 clause 1 number 2 GTL (German Trademark Law) in connection with section 8 clause 1- 3 and 5 GTR (German Trademark Regulation) we use the image on paper (which always has to be filed) as the original.*

*Images on paper are stored in the paper file. In case we receive an additional electronic version of the image, we store the CD-R in the paper file as well. Furthermore, all files are stored in the image database of our trademark system. Only one image per file number is allowed in the database.*

**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.):*

*According to section 32 clause 3 and section 65 clause 1 number 2 GTL (German Trademark Law) in connection with section 8 clause 5 number 1 GTR (German Trademark Regulation), we only accept CD-R, 120 mm, ISO 9660, .jpg, min. resolution 150 dpi, max. 1200 dpi, 24 bit. All views of a mark (up to 6 are allowed) have to be included in 1 picture. Data compression is not allowed. The CD-R has to be readable and free of viruses and other mal-ware. Otherwise, the applicant or the representative will be informed that the digital image could not be used.*

*In addition, our software changes any format to jpg/150 dpi.*

- (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):

### QUESTION 4

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

- Normal: *150 dpi*
- Expandable thumbnails: *used only for publication in the search of DPMApublikationen: 200x200 (max. size for unexpanded thumbnail).*
- Thumbnails only:
- Full screen image:
- Other (please specify): *150 dpi (standardised), 75 dpi*

**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.):*

*The applicant or the representative will be informed that the digital image could not be used and that he/she could file a correct one. Furthermore, as mentioned under Q1 (b), the image has always to be filed on paper. Therefore, we will use that version for scanning and the further process, unless a correct digital image is filed after the notification mentioned above.*

- (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.):*

*Scanned images might only be "touched up" in a very limited extend, e.g. to erase lines that come from folding the image by the applicant to pack it in a smaller envelope for mailing or perforations and stains from transport.  
Software: Adobe Photoshop LE*

(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.):*

*Specialized employees for scanning and processing the images as well as for the database management.*

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

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

- *Notification of the applicants or their representatives*
- *Rejection of marks with images that do not comply with section 8 clause 1- 4 GTR (German Trademark Regulation) after a deadline*
- *Quality Control*
- *Internal and external information and guidelines*

▪ Regulations or guidelines:

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

- GTL (German Trademark Law)*
- GTR (German Trademark Regulation)*
- Guideline for trademark applications*
- Internal guidelines (e.g. for scanning and processing the images)*
- Information for the applicants (paper version and on the GPTO homepage)*

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

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

*See below, Question 8 and 9*

▪ 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.):*

*403.966 images (status October 12, 2005), all .jpg.*

## QUESTION 7

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

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

*sRGB*

## 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.):*

*Screen: monthly calibration*

(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.):*

- *Adobe Photoshop LE*
- *Customized/Individualized software*
- *Scanner: at present e.g. Epson Expression 1640XL*
- *Screen: at present 21 inch, e.g. Quatographic color station 21T; Sony Trinitron GDM-C520K 21"*
- *PC: at present Pentium 4, 2GB, 512 MB main memory*



## 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.):*

*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 – especially of scanned images - significantly.*

## 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.):*

*Current: in case the filed mark is capable of being a trademark and also graphically presentable, we scan the paper image of the graphical representation (it has to be in 2D) or include the digital image (if filed) in our system. Furthermore, in some of the above mentioned cases, a description of the mark is vital and will be included in our database.*

*Sound Mark: According to section 32 clause 3 and section 65 clause 1 number 2 GTL (German Trademark Law) in connection with section 11 clause 3 and 5 GTR a sound file has to be handed in in addition to the graphical representation on a CD-R. Nevertheless, this sound file is **not** stored in the system.*

*Future: The filing of additional digital information, e.g. sound, 3D and video files – especially concerning the so called “new trademark forms”- and the inclusion of that information into the trademark system and the publication media are in discussion, but not decided yet.*

*Please note, that in case of a decision to accept and progress further digital data, not only software products will have to be adjusted, but also legal requirements have to be met. Among others, the GTR(German Trademark Regulation) has to be amended first to allow the filing, progressing and publication of additional digital information.*

### 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.):*

*Stats for 2004 and earlier can be found in the annual report of the GPTO on <http://dpma.de/veroeffentlichungen/jahresberichte.html>. They are **not** grouped by the type of mark.*

*Stats for trademark applications filed in 2005 and registrations (also of earlier filings) accomplished in 2005 (State of 12<sup>th</sup> of October, 2005), grouped by the type of mark:*

*Active applications (filed 2005, not rejected/withdrawn or registered in the meantime):*

<i>Trademark missing</i>	<i>24</i>
<i>Word mark</i>	<i>16.713</i>
<i>Image</i>	<i>902</i>
<i>Word-/Image Mark</i>	<i>8.491</i>
<i>3D</i>	<i>139</i>
<i>Other Mark</i>	<i>35</i>
<i>Colour Mark</i>	<i>38</i>
<i>Coloured tracer thread mark:</i>	<i>1</i>
<i>Sound Mark:</i>	<i>9</i>

*Active registrations (registered 2005, also earlier filings) :*

<i>Word mark</i>	<i>22.060</i>
<i>Image</i>	<i>1.463</i>
<i>Word-/Image Mark</i>	<i>14.976</i>
<i>3D:</i>	<i>244</i>
<i>Other Mark</i>	<i>13</i>
<i>Colour Mark</i>	<i>10</i>
<i>Coloured tracer thread mark:</i>	<i>2</i>
<i>Sound Mark:</i>	<i>8</i>

*Total Number of active applications in the database of the trademark system(State of 12<sup>th</sup> of October, 2005): 32.715*

*Total Number of active registrations in the database of the trademark system (State of 12<sup>th</sup> of October, 2005): 738.318*

*According to the question, we have not included the withdrawn and rejected marks.*

*Furthermore, in case a 2005 registration has meanwhile be cancelled or abandoned, it is not listed.*

### 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.):*

*Touch mark (haptic mark): just for marks in braille; image and additional description required*

*Holographic Marks: image and additional description required*

*Coloured tracer thread mark*

*3D Mark*

*Colour Mark: exact colour description required (e.g. RAL, pantone)*

*Image*

*Word/Image Combination*

*Procedure: also see above Section II, Question 1, current.*

## 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]