

**From:** "Kazenske, Cherie" <Cherie.Kazenske@uspto.gov>  
**To:** <scit.mail@wipo.int>  
**Date:** Wed, Oct 19, 2005 7:37 PM  
**Subject:** SCIT C. 2617- USPTO response

Attached is the USPTO's response to SCIT C. 2617.

<<SCIT2617.doc>> <<SCIT-2617response.doc>>

Cheryl E. Kazenske  
International Intellectual Property Program Manager  
Office of International Relations  
United States Patent and Trademark Office



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

October 19, 2005

Mr. Neil Wilson  
Director and Chief Information Officer  
IT Division  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20  
SWITZERLAND

Re: SCIT C. 2617

Dear Mr. Wilson:

Attached is the USPTO response to SCIT C. 2617, the questionnaire concerning Formats for Figurative Elements of Marks. Should you have any questions, please contact Gary Cannon at [gary.cannon@uspto.gov](mailto:gary.cannon@uspto.gov).

Sincerely,

/Signed by/

Cheryl E. Kazenske  
International Intellectual Property Program Manager  
Office of International Relations

## **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="US"/> (ST.3 two-letter country/organization code)
Person to contact	Name: <i>Gary Cannon</i>
	Tel. number: <i>571-272-9671</i>
	E-mail: <i>gary.cannon@uspto.gov</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>TIFF</i>	<i>JPEG</i>	<i>JPEG</i>	
Image resolution & Depth	<i>300 dpi</i>	<i>300 dpi, 8 bit</i>	<i>300 dpi, 24 bit</i>	
Minimum and Maximum size of image	<i>limit defined by the scanner equipments' surface area size</i>	<i>limit defined by the scanner equipments' surface area size</i>	<i>limit defined by the scanner equipments' surface area size</i>	
Image color management techniques	<i>N/A</i>	<i>N/A</i>	<i>visual comparison</i>	
Compression technique & Rate	<i>Group IV</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>TIFF</i>	<i>TIFF</i>	<i>TIFF</i>	
Image resolution & Depth	<i>varies</i>	<i>varies</i>	<i>varies</i>	
Minimum and Maximum size of image	<i>varies</i>	<i>varies</i>	<i>varies</i>	
Image color management techniques	<i>N/A</i>	<i>N/A</i>	<i>none</i>	
Compression technique & Rate	<i>LZW</i>	<i>LZW</i>	<i>LZW</i>	

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

(iii) For displaying:

	Black White	Grayscale	Color	Others
Image format	<i>TIFF &amp; GIF</i>	<i>JPEG &amp; GIF</i>	<i>JPEG &amp; GIF</i>	
Image resolution & Depth	<i>varies</i>	<i>varies</i>	<i>varies</i>	
Minimum and Maximum size of image	<i>varies</i>	<i>varies</i>	<i>varies</i>	
Image color management techniques	<i>N/A</i>	<i>N/A</i>	<i>none</i>	
Compression technique & Rate	<i>Group IV &amp; LZW</i>	<i>JPEG &amp; LZW</i>	<i>JPEG &amp; LZW</i>	

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

(iii) For other purpose (please specify):

	Black White	Grayscale	Color	Others
Image format	<i>pdf</i>	<i>pdf</i>	<i>pdf</i>	
Image resolution & Depth	<i>up to 1200x1200</i>	<i>up to 1200x1200</i>	<i>up to 1200x1200</i>	
Minimum and Maximum size of image	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	
Image color management techniques	<i>N/A</i>	<i>N/A</i>	<i>none</i>	
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.):*

*For those images that are submitted in digital form (via electronic filing) the image is stored in it's original format and that is considered the "original" image. There may be copies made of that image and sampled down or converted to a different format, but the original data is maintained in online storage. Electronic records (image and text) are stored in a custom solution (TICRS) that maintains all records in virtual case files.*

*For those images that are submitted on paper, the image is scanned and used in digital form but the paper is retained and that paper source is the original image. Paper images are maintained in paper case files that are stored in shelving on site while the case is pending and at an off site warehouse once registered. These paper files are made available on demand.*

**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.):

**The following guidelines are offered for applicants filing electronically:**

If filing for a stylized or design mark, ensure that before even attempting to begin the electronic filing process that the required JPG image file is in the recommended pixel range (between 250 and 944 pixels, *in any direction*) and scanned at 300-350 DPI. If an image is to be used for a specimen, registration certificate, evidence, or anything other than the mark, the pixel range should be approximately 2400 X 2400 pixels, in any direction and scanned at 300 DPI. The overall size of any attachment cannot exceed 2 megabytes. Be very careful NOT to confuse the images and attach an image meant to be a specimen as the mark image, because in most instances this cannot be cured through an amendment, since it would be considered a "material alteration" of the mark as filed.

If scanning any image that is to be a black-and-white image, the scanner must be set specifically for black-and-white, not color. *I.e.*, if the improper setting is used, the produced image may *appear* to be black-and-white, but will actually consist of thousands of colors, and will result in an image of unacceptable quality when received at the USPTO. In addition, images with thousands of colors may exceed the 2 megabyte limitation mentioned in number 5, *above*. Sometimes it is not possible to save a pure black-and-white image. If you find that you cannot save a pure black-and-white image of your mark or other attachment, you should save the image with just enough colors to retain the image that you want to submit to the office. The images must be saved in an RGB color format, because the USPTO cannot process images that are saved in a CYMK color format.

On the other hand, color images *should* be scanned in color. You can submit color images saved with 256 bits. However, you may need to reduce the image to 16 bits, if the image exceeds 2 megabytes.

- (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	JPEG	JPEG	JPEG	
Image resolution & Depth	see "a" above	see "a" above	see "a" above	
Minimum and Maximum size of image	see "a" above	see "a" above	see "a" above	
Image color management techniques	N/A	N/A	none	
Compression technique & Rate	see "a" above	see "a" above	see "a" above	

**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:
- Expandable thumbnails:
- Thumbnails only:
- Full screen image:
- Other (please specify): *Display methods vary depending upon usage. The images are presented as thumbnails for browsing or where bandwidth is a consideration. For publication, the images are scaled to fit the space whether that's enlarging or reducing the original image (most often reducing). For examination, the image is presented in the client area on the screen which is controlled by a MS Windows based application. The client area can be dynamically resized and the user has options for reconfiguring the display on the screen to include multiple images. For examination, the images are scaled to fit the user's preference.*

**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.):*

*Some (basic) edits are performed at time of filing.*

*If the image is accepted by the Office but the image is not recognizable, then the application will be made informal and not processed.*

*Once accepted by the Office, if the original image is recognizable but not suitable for use the applicant will be requested to submit a replacement image of the mark.*

- (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.):*

*No touch up is performed on the mark. There are some programs that are used to perform the functions for cropping, rotation, and de-skewing but the Office does not modify the image of the mark.*

(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.):*

*The original image is always maintained and used for comparison. During processing, such as cropping the image scanned from a paper source, the operator will visually compare the resulting image to the original and make a determination on quality.*

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

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

*The Office corresponds to the applicant during examination and will notify the applicant if a replacement image is required.*

▪ Regulations or guidelines:

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

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

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

*Software:*

*Global360's Imaging Professional for Windows*

*Pegasus Image Express*

*Catenary Victor Imaging Processing Library*

*Captiva's Input Accell*

*Hardware:*

*Fujitsu 750C*

*Panasonic KV-S2055W*

▪ Others (please specify):

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

*All "versions" are retained and available online for visual comparison.*

## 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.):*

As of September 9, 2005, for cropped images of Marks, the US PTO has:

1,778,093 TIFF images

396,339 JPEG images



In a secondary storage, copies of these images are maintained for use in the Internet search system (TESS). That storage has the same image with the TIFF images converted to smaller GIF (for display in a browser without plug-in).

1,780,191 JPG images

420,933 GIF images

*\* as of October 19, 2005*

In addition, within the storage system that contains images of documents, there are:

6,522,128 JPG images

27,216,950 TIF images

4,418,564 XML documents

*\*as of October 19, 2005*

## 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

## 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.):*

(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.):

*Software:*

*Global360 Imaging Professional for Windows  
Pegasus Image Express  
Catenary Victor Imaging Processing Library  
Captive's Input Accell*

*Hardware:*

*Fujitsu 750C  
Panasonic KV-S2055W*

## 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.):

- *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.*
- *We have found it useful to use image formats that can be displayed in the 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. Included would be 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.*
- *Occasional 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

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.):

- *Sound marks are captured as textual descriptions (including musical notations). Some of the sound mark specimens, that illustrate how the mark is used, are in WAV and MP3 formats.*
- *Specimens for motion marks may, in the future, be handled as MPEG files. There are no firm plans for this at this time.*
- *The mark itself must still be in a format that can be included on the registration certificate, which is currently on paper (with copies in electronic form).*

### 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.):

<u>TYPE</u>	<u>Pending</u>	<u>Registered</u>	<u>Other</u>	<u>Total</u>
UNKNOWN	0	0	38,939	38,939
TYPED DRAWING	84,831	860,352	1,559,622	2,504,805
DESIGN ONLY	14,289	53,153	72,351	139,793
DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS	88,549	226,336	421,564	736,449
STANDARD CHARACTER	287,063	24,649	25,171	336,883
WORDS, LETTERS, AND/OR NUMBERS IN STYLZED FORM	30,118	80,467	184,766	295,351
FOR SITUATIONS FOR WHICH NO DRAWING IS POSSIBLE, SUCH AS SOUND	<u>57</u>	<u>89</u>	<u>129</u>	<u>275</u>
<i>Total</i>	<u>504,907</u>	<u>1,245,046</u>	<u>2,302,542</u>	<u>4,052,495</u>

*\*as of September 13, 2005*

### 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.):

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)

## 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]

