

METHODS OF REPRESENTATION AND DESCRIPTION OF VISUAL SIGNS REGARDING MARK APPLICATIONS IN BRAZIL

Visual signs that contain figurative elements must be graphically represented in the prescribed space of the corresponding forms. I.e. a 6cm x 6cm square with an internal margin of 0.5cm on all sides, effectively meaning a 5cm x 5cm area in which the mark must be graphically represented. Such representation of the mark shall be printed on the registration certificate and published in the official gazette, for opposition purposes.

If an application is filed on paper form, such representation of the mark is scanned and stored as a JPEG file. Such file is used for publications and any printings of the mark (e.g. the mark printed on the registration certificate).

If the application is filed on-line, the main graphical representation of the mark (the equivalent of the paper form's prescribed square) can be uploaded either as a TIFF or as a JPEG file. If a TIFF file is uploaded it is seamlessly converted to the JPEG format for storage.

The colours present in any kind of mark may be graphically represented in two ways, at the discretion of the applicant. The mark may be printed in colour (e.g. using a colour printer), or the colour's names may be written inside the prescribed square on the forms with arrows indicating the correspondence between the colour's name and the respective figurative elements in that colour.

Three-dimensional marks must be depicted in the aforementioned prescribed space in such a manner so that the perspective of the mark renders the most important three-dimensional features of the mark clearly distinguishable. It is such main depiction on the form that shall be published and printed on the registration certificate. Orthogonal views (front, lateral, top and bottom views) and a short written description of the essential characteristics of the mark must be filed too, but these are not published or made part of the certificate. Additional views and graphical representations are optional and may be filed at the discretion of the applicant. Nevertheless, if deemed necessary the examiner may demand the submittal of additional representations of the mark.

If an application for a three-dimensional mark is filed on-line, the main representation of the mark must be uploaded as the 'mark's image' and the additional views must be uploaded as additional documents attached to the application.