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**Committee on WIPO Standards (CWS)**

**Eighth Session**

**Geneva, November 30 to December 4, 2020**

Proposal for a new standard on MULTIMEDIA MARKS

*Document prepared by the Trademark Standardization Task Force Leader*

INTRODUCTION

At its seventh session in 2019, the Committee on WIPO Standards (CWS) agreed to resume work on Task No. 49 to “prepare a recommendation for the electronic management of motion or multimedia marks for adoption as a WIPO standard.” Work on Task No. 49 was suspended at the fifth session of the CWS pending implementation of directive 2008/95/EC by Member States in the European Union (EU). The CWS noted that many EU countries were already in the process of implementing EU Directive 2008/95/EC for new types of trademarks, including multimedia marks, making it a good time to resume the work. The International Bureau is the Task Force Leader. (See paragraphs 163 to 164 of document [CWS/7/29](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=452145)).

PROPOSED NEW WIPO STANDARD

The Task Force prepared a final draft for a new WIPO standard on recommendation for the electronic management of motion and multimedia marks, for consideration and adoption by the CWS. The proposal is presented in the Annex of the present document. The International Bureau proposes the new Standard be designated as ST.69 for consistency with related standards ST.67 Electronic management of the figurative elements of trademarks and ST.68 Electronic management of sound marks.

The proposed Standard provides recommendations on presentation of applications for the protection of motion and multimedia marks, submitted electronically or on paper, their electronic processing and publication. It aims to facilitate data processing and exchange of information regarding motion or multimedia marks among industrial property offices, by providing guidance on electronic management of the recording of motion or multimedia constituting the mark, as well as its graphical representation and textual description.

Offices currently accept motion or multimedia marks in various formats. Some Offices accept a series of two-dimensional images showing the motion, possibly with a textual description of the motion. Other Offices accept video files in a number of different formats. The proposed Standard is compatible with the recommendations of the European Trademark and Design Network[[1]](#footnote-1) which recommends MP4 as the default file format for video submissions.

The Task Force proposes to discontinue Task No. 49 if the proposed new Standard is adopted at the present session of the CWS.

VIDEO FORMAT ISSUES

While developing this standard, the International Bureau raised a set of issues with multimedia file formats. Some of the most widely used multimedia formats are subject to patent licensing pools for playback devices and software. The Task Force discussed these concerns and issues of compatibility, usability, accessibility and long-term availability of various formats. In general, WIPO Standards has avoided technologies that are covered by patents. However, in this case the most widely used formats with the broadest support across platforms are covered by patent pools, while alternative formats are not as widely used by industry and applicants.

The International Bureau researched usages of various multimedia formats and potential issues for the WIPO standard, and prepared a paper for discussion by CWS Task Forces[[2]](#footnote-2). The issues affect not just the proposed multimedia standard, but the proposed design representation standard and possibly other standards in the future. The International Bureau convened a meeting of several relevant CWS Task Forces including Trademark Standardization and Design Representation to discuss the situation and propose recommendations.

Based on these discussions, two sets of multimedia file formats were selected for recommended use. The first set contains formats standardized by the International Organization for Standardization (ISO) with the widest use in industry and the broadest support across platforms and devices, but which are subject to patent licensing pools run by the MPEG Licensing Administration (MPEG-LA). For common platforms such as Microsoft Windows, Apple Mac, Android devices, and Apple iOS devices, the licensing fees are paid by providers. The first set recommends MP4 files with MPEG-2 or H.264/AVC video codecs.

The second set of formats was selected to avoid patent licensing issues. These formats were developed by the software and internet industry as open specifications, are used by many internet video platforms, and are well supported for playback by most common web browsers including Chrome, Firefox, Safari, and Edge. This set recommends WebM files with VP9 or AV1 video codecs.

The Standard recommends that Offices accept at least one of these formats for filing, considering factors such as national regulations and consultations with stakeholders. To support each Office in choosing which formats work best for them and their stakeholders, Offices should accept all of these formats in data exchange with other Offices. Converting multimedia files to a different format is error-prone and not recommended.

The Task Force considered a number of other formats, including: containers MKV and Ogg; and codecs MPEG-1, WMV, H.263, Theora, H.265/HEVC, and Dirac. These formats were not recommended for various reasons, including: some formats were proprietary, outdated, not widely supported, and/or subject to multiple patent pools from competing bodies.

*The CWS is invited to:*

* 1. *note the content of this document;*
  2. *consider and approve the proposed name of new WIPO Standard ST. 69: "Recommendation for the electronic management of motion and multimedia marks";*
  3. *consider and adopt the proposed new WIPO Standard ST. 69, as reproduced in the Annex to this document; and*
  4. *consider whether Task No. 49 should be discontinued.*

[Annex follows]

1. Common Communication on the representation of new types of trademarks. Available at <https://euipo.europa.eu/ohimportal/en/news/-/action/view/3941045>. [↑](#footnote-ref-1)
2. Document is available on website at: <https://www.wipo.int/meetings/en/details.jsp?meeting_id=57089> [↑](#footnote-ref-2)