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:

Contact details of the Reporting Office:		
Name of the Reporting Office	[GB] (ST.3 two-letter country/organization code) The Patent Office - United Kingdom	
Person to contact Name:	Mark Holmes	
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QUESTIONNAIRE

SECTION I

QUESTIC	QUESTION 1			
Does your	Office process electronically the figurative elements of marks?			
\boxtimes	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	TIFF Group 4	TIFF uncompressed	TIFF RGB uncompressed	
Image resolution & Depth	600 dpi: 1-bit	100/150 dpi: 8-bit	100/150 dpi: 24-bit 100 dpi: 8-bit	
Minimum and Maximum size of image	Min: None Max: 17cm x 24 cm	Min: None Max: 17cm x 24 cm	Min: None Max: 17cm x 24 cm	
Image color management techniques	Not applicable	None	RGB working space in Adobe Photoshop matches proof printer	
Compression technique & Rate	CCITT Group IV	GZIP	GZIP	

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	(Web journal)	(Web journal)	(Web journal)	
	PNG	PNG	PNG	
		or	or	
		JPEG	RGB JPEG	
Image resolution & Depth	Resolution unchanged from master format declared in (i) abive 8-bit	Resolution unchanged from master format declared in (i) abive	Resolution unchanged from master format declared in (i) abive 8-bit or 24-bit	
Minimum and	Min: None	Min: None	Min: None	
Maximum size of image	Max: 17cm x 24 cm	Max: 17cm x 24 cm	Max: 17cm x 24 cm	
Image color management techniques	Not applicable	None	None	
Compression technique	PNG	PNG	PNG	
& Rate		or	or	
		JPEG	JPEG	

Note: Please refer to the above comments.

(iii) For displaying:

	Black White	Grayscale	Color	Others
Image format	(Office display) TIFF Group 4	(Office display) TIFF uncompressed or JPEG	(Office display) TIFF RGB uncompressed or RGB JPEG	
Image resolution & Depth	600 dpi: 1-bit	100/150 dpi: 8-bit	100/150 dpi: 24-bit 100 dpi: 8-bit	
Minimum and Maximum size of image	Min: None Max: 17cm x 24 cm	Min: None Max: 17cm x 24 cm	Min: None Max: 17cm x 24 cm	
Image color management techniques	Not applicable	None	Export to Adobe Photoshop if necessary for view/print based on embedded colour profile	
Compression technique & Rate	CCITT Group IV	GZIP or JPEG	GZIP or JPEG	

Note: Please refer to the above comments.

(iii) For other purpose (please specify):

	Black White	Grayscale	Color	Others
Image format	(Web display)	(Web display)	(Web display)	
	JPEG	JPEG	RGB JPEG	
Image resolution & Depth	96 dpi: 8-bit	96 dpi: 8-bit	96 dpi: 24-bit	
Minimum and	Min: None	Min: None	Min: None	
Maximum size of image	Max: 17cm x 24 cm	Max: 17cm x 24 cm	Max: 17cm x 24 cm	
Image color management techniques	Not applicable	None	None	
Compression technique & Rate	JPEG	JPEG	JPEG	

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.):

If the paper scan passes the quality tests then the digital image is regarded as the master image.

If a good quality paper-scan cannot be obtained, e.g. a foil label, then a digital image is requested from the applicant. The applicant supplies this on disc or attached to e-mail in TIFF RGB or JPEG format.

If the figurative representation cannot be shown accurately with a digital image then an image is made containing text to refer the reader to the paper file, where the original filing is kept.

QUESTIC	N 2				
Does your	Office receive ele	ectronica	lly trademarl	k images i	in digital format?
		YES	\boxtimes	NO	
(a)	(specifically about Insert your reply below (Maximum size	ut size, f	Format, mediale, etc.):	a of an in	nidelines for accepting digital images mage): width — 8cm or 17cm)
	Media a. On-line e-form b. e-mail c. diskette, cd-r	ı			
	Black & White (TIFF uncompress TIFF Group 4 co Greyscale (8-bit) TIFF uncompress JPEG RGB 256 Colou TIFF uncompress RGB Colour (24 TIFF uncompress JPEG	ssed ompresses s per sam ssed r (8-bits ssed 1-bits per	ed nple) per sample)		
(b)	Does your Office	e accept YES	color images	s? NO	
(c)	•	e apply o	lifferent regu	ılations or	or guidelines depending on the color mage and color image)?

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

	Black White	Grayscale	Color	Others
Image format	TIFF uncompressed or TIFF Group 4	TIFF uncompressed or Grey JPEG	TIFF RGB uncompressed or RGB JPEG	
Image resolution & Depth	Guideline 600 dpi: 1-bit	Guideline 100/150 dpi: 8-bit	Guideline (TIFF) 100/150 dpi: 24-bit 100dpi: 8-bit or (JPEG) 100/150 dpi: 24-bit	
Minimum and Maximum size of image	Regulation Max: 17cm x 24cm	Regulation Max: 17cm x 24cm	Regulation Max: 17cm x 24cm	
Image color management techniques	Not applicable	None	Embedded colour profile (Currently, only sRGB permitted)	
Compression technique & Rate	GZIP or CCITT Group IV	GZIP or JPEG	GZIP or JPEG	

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): Some agents assist the applicant to file electronically
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 applicant indicates the desired printed width of the image: 8cm or 17cm. This parameter is also used to influence screen display in some applications.

Note: You may choose more than one if applicable.

OUESTION 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.):

If we cannot accept the image file received with an on-line application form, the application will be treated as not correctly filed, and we will ask the applicant to provide a replacement image. The applicant may lose the original filing date and we will not examine the application until any image file discrepancies are resolved.

(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.):

We touch-up scanned images to remove artefacts introduced by scanning only, identified by comparing a print of the scanned image with the original paper application form. We never edit a digital image that has been e-filed by the applicant.

We scan directly into Adobe Photoshop and then adjust the image as necessary in the following ways:

- a. Adjust the exposure to make the image background whiter;
- b. use the eraser tool to clean up unwanted background;
- c. use Filter | Extract to extract an image from its background;
- d. For our series marks, when an image illustrates more than one series element, use copy & paste to reduce the gaps between the elements.
- (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.):

All scanning is performed by a trained team.

The image cataloguing process includes quality checks for both the scanned image and the thumbnail that is generated automatically for search purposes. For colour images, we also generate a grey image, which is used later when printing the mark to a monochrome printer. This grey image is also quality-checked

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

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

After the electronic application is checked against regulations, and accepted, it is captured onto our mainframe and a filing receipt is e-mailed.

The receipt includes a website link to the full case details so that the captured image can be inspected.

Regulations or guidelines:

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

Terms and conditions for e-filed images

We will not alter any images that we receive. If we cannot accept the image file received with an on-line application form, the application will be treated as not correctly filed, and we may ask you to provide a replacement image. You may lose the original filing date and we will not examine the application until any image file discrepancies are resolved.

Images will be correctly filed if they meet the following criteria:

They are filed in the supported file formats which are shown below:

File format	Black & White 1 bit per sample (bps)	Greyscale 8bps	RGB Colour 8bps	RGB Colour 24bps
TIFF uncompressed	✓	✓	✓	✓
TIFF Fax Group 4 compressed	✓			
JPEG		/		

The quality of the image clearly reveals the identity of the trade mark.

The image file does not contain a virus or a computer program. If we suspect that an image file contains a virus or a computer program, we will not open the file. We will not give the application a filing date until we get a replacement image which meets the filing requirements and is free of the virus and the program.

If the mark consists purely of a colour(s) alone or consists of colour(s) applied to the goods or their packaging then you must specify the colours using an internationally recognised colour identification code. Alternatively, we will accept an image into which an sRGB image display profile has been embedded.

The image when printed is not larger than 17cm in width and 24cm in height.

The total size of all image files attached to your application does not exceed 4000Kb. We recommend that you follow our image guidelines before you send an application that contains an image.

On-line Trade Mark Applications Image Guidelines

If you have to provide an image of your mark as part of your on-line trademark application, you should read the advice below. Electronic image files attached to on-line trade mark applications must conform to these guidelines to ensure that they are suitable for us to process.

If you send an on-line application with an image or images which are not in an acceptable form, you could lose your original filing date.

We recommend that you go through the following steps.

Step 1 - Choose the image category

Select the best image category for your mark.

Image Category	When to Use
Line Art Resolution: 600spi (samples per inch)	Use this category whenever possible; it will improve operational efficiency. The scanned image will be black and white only. If you can't successfully photocopy the image then you will not obtain a good scan with these settings. Use for all <i>stylised word</i> text, if there is sufficient contrast.
Scan type: black/white Colour Depth: 1 bit per sample	Use for sketches, drawings and illustrations that consist only of black lines or filled areas, and white lines or filled areas, with no shades of grey. Use if a black and white image is to be filed and colours are to be defined using internationally recognized colour identification system codes. Only use for two-colour logos where there is clear contrast.
Solid Grey-Scale Resolution: 100spi (samples per inch) Scan type: grey-scale Colour Depth: 8 bits per	Use for simple logos, with more than two colours or grey-tones, but with large areas of the same shade. Can be used if a greyscale image is to be filed and colours are to be defined using internationally recognised colour identification system codes.
Detailed Grey-Scale Resolution: 150spi (samples per inch)	Use for images with aspects such as mottled or flecked designs. The category uses a relatively high scan resolution so the scanned image contains over twice as many samples, when compared to one that was scanned as <i>Solid Grey-Scale</i> .
Scan type: grey-scale Colour Depth: 8 bits per sample	Use for images with many continuous tones, such as a photograph. Use when the Solid Grey-Scale category proves to be unsuitable.
Spot Colour Resolution: 100spi (samples per inch) Scan type: RGB	Use this category whenever possible for colour scanning; it will improve system efficiency because the logo will be stored with a palette of only 256 colours instead of 16 million colours. Use for images with a few dominant colours, e.g. a logo or a cartoon drawing. Do not use if the colour claim is for a very specific tone. The category is not
Colour Depth: 8 bits per sample	suitable if, for example, the applicant claims 'Pantone 310'.
Detailed Colour Resolution: 100spi (samples per inch)	Use when accurate colour is needed. 16 million colours are coded. Use when there is a wide range of distinct colours in the image.
Scan type: RGB Colour Depth: 24 bits per sample.	
Colour Photo Resolution: 150spi (samples per inch) Scan type: RGB Colour Depth: 24 bits per sample	Use when accurate colour is needed. 16 million colours are coded. Use for images with continuous tones, such as a photograph. Use when the <i>Detailed Colour</i> category proves to be unsuitable. The category uses a relatively high scan resolution so the scanned image contains over twice as many samples, when compared to one that was scanned as <i>Detailed Colour</i> .

Step 2 - Choose the image file format

Where there is a choice, the recommended file format for each image category is denoted by the '*' symbol.

Image Category	Permitted file-formats
Line Art	TIFF Fax Group 4 compressed *
	TIFF 'bit-map' uncompressed
Solid Grey-Scale	TIFF 8-bit grey uncompressed *
	8-bit grey JPEG
Detailed Grey-Scale	TIFF 8-bit grey uncompressed *
	8-bit grey JPEG
Spot Colour	TIFF 8-bit RGB uncompressed
Detailed Colour	TIFF 24-bit RGB uncompressed *
	24-bit RGB JPEG
Colour Photo	TIFF 24-bit RGB uncompressed *
	24-bit RGB JPEG

Please Note: We cannot alter your image file once received. If your image is not supplied in one of the above listed formats, we may ask you to provide a replacement image in a permitted format. We will not examine your application until any image file discrepancies are resolved. We can only accept images in a TIFF or JPEG format as detailed above.

Step 3 - Choose your image size

When you file your on-line application we will ask you to tell us which of the following image display options is appropriate for your mark:

- a. 8 cm x 8 cm
- b. 8 cm wide with height scaled to fit
- c. 17 cm wide with height scaled to fit

We will use this value as a cross check against the actual size of the image. It is therefore important that you scan the trade mark image so that the logical print dimensions of the image are approximately the same as the image display option which you have selected. If both the logical width and height of the scanned image are significantly less than 8cm then we are likely to request a larger replacement image. On the other hand, if a very large image is supplied then this will simply waste computer resources.

Step 4 - Additional guidance for colour Marks

Follow the guidance below when filing colour marks using the on-line trade mark application form. All colour images must be submitted in the "red, green, blue" colour space. Subtractive colour "CMY" and "CMYK" images are not acceptable.

Description of colour mark	Options for filing using the on-line trade mark application form
mark, if accepted, will be registered in those colour(s).	a) The image file should consist of a black and white or colour representation of the mark along with internationally recognised colour identification System Codes (such as Pantone®, Focoltone®, Munsell Color® or Toyo®) for each of the colours in the mark. The codes will need to be scanned as part of the mark. b) The image file should consist of a colour representation of the mark into which an sRGB image display profile has been embedded. c) The image file should simply consist of a colour representation of the mark. As there will be no guarantee that the colour we see on our systems is the same as the applicant sees, we recommend that if the precise colours are an important element of the mark options a) or b) above are used.

A colour representation of the mark is the only version available. However, the applicant does not want the mark to be registered in colour.	A black and white representation is needed for the on-line application form if the mark is not to be registered in colour. If you cannot supply a colour representation is available, the application cannot be filed electronically (a paper filing will need to be made which can include the image in colour).			
The mark is a picture or words in black and white but the applicant wants to use the mark in any colours.				
The mark is a picture in black and white and these colours are an important feature of the mark (eg like a photographic negative).	The image file should consist of a black and white representation of the mark. The question on the on-line application form which asks "If you have shown the mark in black and white we will not consider these colours are a feature of the mark unless you tell us something different here" should be completed to say that black and white are important features of the mark.			
The mark consists purely of a colour(s) alone or colour(s) applied to the goods or their packaging	a) The mark may consist of a written description of the colour or colour representation of the mark accompanied by internationally recognised colour identification System Codes such as Pantone®, Focoltone®, Munsell Color® or Toyo®. This information must be provided in an image file.			
	b) If the item to which the colour is applied forms part of the mark, the image file should consist of a black and white representation of the mark accompanied by Internationally recognised colour identification System Codes. An indication is required identifying the area to which the colours are applied (if colour is applied to the whole of the surface of the object, a statement to this effect will suffice). This text will need to be scanned as part of the mark.			
	c) The image file may consist of a colour sample into which an sRGB profile has been embedded.			

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

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

Scanner: Epson Expression 1680 with TWAIN driver

Scanning into Adobe Photoshop if 'Touch-up' required.

Images are recorded in our Documentum repository.

Derived renditions of image are transformed using Leadtools development kit:

- a. search thumbnail;
- b. grey image from colour;
- c. downsampled (office-use) image to 150 dpi if e-filed image has high resolution, e.g. 350 dpi.
- Others (please specify):

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

n/a

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.):

Format	Count
TIFF Group 4 1-bit	360,000
TIFF uncompressed 1-bit	1,500
TIFF grey uncompressed: 100dpi, 8-bit	29,000
TIFF grey uncompressed: 150dpi, 8-bit	7,500
TIFF colour uncompressed: 100dpi, 8-bit	200
TIFF colour uncompressed: 100dpi, 24-bit	41,000
TIFF colour uncompressed: 150dpi, 24-bit	8,000
JPEG grey 8-bit & colour 24-bit	125,000

QUESTION 7

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

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

sRGB is an option for e-filed images

In Adobe Photoshop we use a working colour space 'EFIRGB', which matches the Fiery colour processor on our proofing printer.

QUESTION 8

Does your Office have a	color managemen	it system for	equipment	such as	scanner,	monitor,
printer, etc., to ensure the	e 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.):

Scanner: Epson Expression 1680 with TWAIN driver

Monitor: EIZO NANAO Cathode Ray Tube, (not flat panel) fixed to sRGB

Printer: Xerox Docucolor 12 with Fiery X12 Postscript colour server.

This printer has calibration control.

(ii) Profiling (or characterization):

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

Adobe Photoshop working space: 'EFIRGB' to match proof printer colour space

sRGB working space for e-filed colour image requiring precise colours

Currently, we do not characterize the scanner with an input profile.

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

In future we expect to enhance our colour-proofing monitor to a calibrated flat-screen colour graphic monitor that covers the Adobe RGB colour space in Photoshop. This covers CMYK printing as well as sRGB. With this equipment, we would widen the regulation for embedded profiles in e-filed images from the current sRGB to Adobe RGB.

An example of a suitable monitor is the EIZO NANAO CG220 model. This monitor has calibration control to maintain a consistent appearance over time.

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

None

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

Fiery colour management print server

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.):

With our existing technology we have only been able to handle the sRGB colour space consistently through colour scanning, display and printing. For precise wider colours, we encourage the applicant to describe the colours using internationally recognised identification codes. These codes appear as text within the acquired digital image. The digital image is not scanned in colour. As described above, we expect to widen our handling of electronically filed images to the Adobe RGB colour space. When we do this, we may need to employ a characterization input profile for the scanner. For the current Epson scanner, we have the option to use the Lasersoft SilverFast scanner software with IT8 characterization.

We do not currently permit the applicant to file an image with LZW compression. File formats include GIF and TIFF LZW. We prohibit these because there is a risk that an electronically filed image was produced by unlicensed software. The original Unisys patents for LZW expired in 2004 but patents still exist for 'improvements'. We pass on the trade mark images to a number of data users, who may publish these images within an online service. If the image was manufactured at a time when a patent was active then there could be a licence infringement. We would prefer that file formats employing the LZW algorithm are excluded from any proposed standards unless Unisys confirm that there is no risk of a patent infringement.

On occasion Applicants have electronically filed images which are either not image files, are unsupported formats eg AOL ART files or are files which have been renamed from one format to another eg .GIF to .TIFF

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.):

For a 3D (shape) mark, we can hold up to six figurative images instead of one. The same facility can provide limited support for motion marks.

We plan to support sound marks in the near future. We haven't yet regulated the permitted formats for these.

If standards were to be established for the representation of motion marks & smell marks then the GB office would support them because we hold records of European Union Community Trade Marks (EM), and Madrid Protocol Marks (GB & EM) on our system.

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.):

Mark Type	Count
Device Only (Figurative with no text)	66,000
Word Only (Text with no figure)	924,000
Word and Device	297,000
Stylised Word (Image illustrates the appearance)	130,000
Form (Shape) Only (3D figurative)	4,200
Form (Shape) and Word	1,500
Miscellaneous Only (Other with no text)	700
Miscellaneous Word (Other with text)	170

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.):

Word-only marks in standard characters are held as text only without a figurative image.

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]