

# Implementation of WIPO Standard ST.91

Response ID:95 Data

## 1. Identification page

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**Please enter the ST.3 code and name of the member state or international organization you represent.**

IP Australia

**Please enter the name of the office or organization you represent. For instance, Canadian Intellectual Property Office. If your organization name is the same as your ST.3 code name, you may put "n/a".**

Same as above

**Please enter your email address so we can contact you if we have questions about your response.**

MDB-QualityPracticeCustomers-Designs@ipaustralia.gov.au

## 2. Questions page

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**Q 1. Does your Office currently use 3D models, 3D images or 3D chemical structures?**

Yes

**1. Q 1.1. If yes, for what IP rights:**

Industrial Designs

Other (please specify): Yes. Designs for 3D models, drawings, and photos are the preferred formats for representations. In some cases, we do accept specimens and 3D models with design applications. However, it is important to note that while we can use a 3D model as a visual aid during the examination process, it won't be considered an official representation. We do not currently use 3D models, images or chemical structures for trade marks.

**Q 1.2. Does your Office implement WIPO Standard ST.91 within its work?**

No

Additional Comments: No – additional comments below.

**Q 2.1. What formats of 3D models, 3D images or 3D chemical structures does your Office currently accept for each IP right?**

	Trademarks	Industrial Designs	Inventions (except 3D chemical structures)	Utility models	Integrated circuit topology	Inventions (3D chemical structures)
None, my Office doesn't operate this type of IP right	X					
None, my Office doesn't accept 3D models, 3D images or 3D chemical structures for this type of IP right						
3D PDF		X				
IGES						
OBJ						
STL						
STEP/STP						
U3D						
MOL						
CDX						

**Other (please specify):** Designs - for the submission of 3D image designs, the accepted file format is exclusively PDF limited to 40 MB per file. It is worth noting that in addition to PDF, the acceptable file formats for design images encompass .jpg, .jpeg, .png, .tif, and .tiff. Trade marks – we do not accept any formats of 3D models, images or chemical structures at this stage.

**Q 2.2. What software does your Office currently use for the visualization of 3D models, 3D images or 3D chemical structures during the examination process?**

**Please specify:**

Designs allow customers to upload a PDF that contains a 3D model. These are viewed using Adobe Acrobat

Trade marks do not allow customers to upload 3D models, as such do not incorporate any software for this purpose.

**Q 2.3. What formats of 3D models, 3D images or 3D chemical structures does your Office currently use for the electronic publication for each IP right operated by Office?**

	Trademarks	Industrial Designs	Inventions (except 3D chemical structures)	Utility models	Integrated circuit topology	Inventions (3D chemical structures)
None, my Office doesn't operate this type of IP right	X	X				
None, my Office doesn't publish information of this type of IP right electronically						
None, my Office doesn't publish information of 3D models, 3D images or 3D chemical structures electronically even if they were accepted						
2D images received by my Office from the source 3D models or 3D images						
3D PDF						
IGES						
OBJ						
STL						
STEP/STP						
U3D						
MOL						
CDX						

**Other (please specify):** Designs do not publish 3D formats. They are used for internal reference only. This is also the case for trade marks.

**Q 2.4. What software does your Office currently use for the electronic publication of 3D models, 3D images or 3D chemical structures?**

Designs do not publish 3D formats. They are used for internal reference only. This is also the case for trade marks.

**Q 2.5. What formats of 3D models, 3D images or 3D chemical structures does your Office currently use for the paper publication for each IP right?**

	Trademarks	Industrial Designs	Inventions (except 3D chemical structures)	Utility models	Integrated circuit topology	Inventions (3D chemical structures)
None, my Office doesn't operate this type of IP right						
None, my Office doesn't publish information of this type of IP right on paper	X	X				
None, my Office doesn't publish information of 3D models, 3D images or 3D chemical structures on paper even if they were accepted						
2D images received by Office from the source 3D models or 3D images						
Link to the 3D object online						

**Other (please specify):** None, my Office doesn't publish information of this type of IP right on paper. Designs do not publish 3D formats. They are used for internal reference only. This is also the case for trade marks.

**Q 2.6. Does your Office carry out search for the comparison of the 3D models and 3D images with 3D models and 3D images during the examination process and if so, in what formats for each IP right?**

	Trademarks	Industrial Designs	Inventions (except 3D chemical structures)	Utility models	Integrated circuit topology
No	X	X			
Yes, my Office uses 2D representations of 3D models for the comparison					
Yes, my Office uses 3D models themselves for the comparison					

**Other (please specify):** No. We can use a 3D model as a visual aid during the examination process, however it won't be considered an official representation. This implies: The applicant is still required to submit 2D representations. The 3D model won't influence the scope of protection for the design. The 3D model won't be included in the Australian Design Search database, the Australian Journal of Designs, or any certificates. For trade marks, we do not utilise 3D models in the course of examination. The applicant is required to submit a 2D representation for shape marks in isometric or perspective drawings, along with a description of the shape in the form of an endorsement.

**Q 2.7. What software does your Office currently use for the comparison of the 3D models and 3D images with 3D models and 3D images during the examination process?**

Designs are viewed using Adobe Acrobat, which includes a PDF that contains a 3D model. There is no other software used during the examination process that compares 3D models to 3D images. There is no software being used for trade marks.

**Q 2.8. Does your Office carry out search for the comparison of the 3D models and 3D images with 2D images during the examination process and if so, in what formats for each IP rights?**

	Trademarks	Industrial Designs	Inventions (except 3D chemical structures)	Utility models	Integrated circuit topology
No	X	X			
Yes, my Office uses 2D representations of 3D models for the comparison					
Yes, my Office uses 3D representations of 2D images for the comparison					

**Other (please specify):**

**Q 2.9. What software does your Office currently use for the comparison of the 3D models and 3D images with 2D images during the examination process?**

For 3D Designs models, drawings, and photos are the preferred formats for representations, filed as a PDF using Adobe Acrobat.

While we can use a 3D model as a visual aid during the examination process, it won't be considered an official representation. This implies:

The applicant is still required to submit 2D representations.

The 3D model won't influence the scope of protection for the design.

The 3D model won't be included in the Australian Design Search database, the Australian Journal of Designs, or any certificates.

**Q 3.1. Please describe existing practices or future plans for using 3D models, 3D images or 3D chemical structures within your Office**

Designs - ACIP Designs Review Recommendation 21 Decision

Regarding Recommendation 21 from the ACIP Designs Review, the acceptance of 3D models for designs, ACIP has concluded that no changes should be made to the designs system at this time in response to 3D printing and scanning technologies.

There are currently no existing or future plans to cater for 3D models, images or chemical structures with respect to trade marks.

**Q 3.2. Please describe existing practices or future plans relating to the implementation of WIPO Standard ST.91 within your Office**

The topic of accepting 3D models for designs was discussed during the ACIP Designs Review Recommendation 21

The historical context surrounding this matter traces back to its introduction, which occurred around the year 2017. Initially, the incorporation of 3D filing options was primarily intended to serve as a visual aid to assist examiners in their tasks. It is important that challenges persist with regard to the publication of such representations on the Australian Designs System (ADS). During that period, our organisation held a supportive stance toward embracing advancing technology and recognising the advantages it presented to both our customers and staff members in the utilisation of 3D files.

In principle, the idea of permitting 3D representations as an additional means for design assessment appeared commendable. However, we also had to carefully consider the capabilities of our systems, as well as the essential requirement for 2D representations, particularly for convention filings and to accommodate customers filing in jurisdictions that do not facilitate the use of 3D files.

There are currently no such existing or future plans to cater for 3D models, images or chemical structures with respect to trade marks.

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**Q 4. Any other comments**

N/A

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**4. Thank you**

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**Send confirmation email**

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