Representation of AIPPI during the Working Group on the review of

Model International Form of the Singapore Treaty on the Law of Trademarks

1st Session in Geneva, January 31, 2012

REPORT

by Peter Widmer, Chair Q212

Summary:

From a point of view of Q212, there is no need for further action in this matter given the mere technical character of proposed “Module International Form no. 1 of the Singapore Treaty on the Law of Trademarks”.

If, at all, it may be interesting to verify as part of a future question (Q), as to how the Singapore Treaty on the Law of Trademarks is implemented by the contracting parties and if there is any visible effect on day-to-day trademark prosecution work and the respective formalities before the respective national or regional trademark offices.

Main Contents and Material of the Session:

The working group meeting dealt with the agenda as enclosed as

- Exhibit 1 -

Basically, the goal of the meeting was to review the Module International Form no. 1 of the Singapore Treaty on the Law of Trademarks, which is a standardized application form for the registration of a mark with comments for users.

There were some discussions and revisions made during the meeting as regarding the representation of non-typical marks, in particular with
regard to marks in the sense of non visible signs (such as acoustic marks).

The contents of the discussions were of mere technical nature; accordingly, the main issues were dealt with in a relatively short meeting of 1 ½ hours.

In essence, chapter 9 (type of mark) was slightly revised and amended in so far that applicants should have more options to tick boxes in order to declare as to how the respective mark is filed (with reproduction, descriptions or other additional evidence as necessary in order to identify the mark as filed). The draft Module International Form no. 1 is attached as

- Exhibit 2 -

Finally, I attach the list of participants as

- Exhibit 3 -

Berne, February 1, 2012

Peter Widmer
Chair Q212
Working Group on the Review of Model International Form No. 1 of the Singapore Treaty on the Law of Trademarks

First Session
Geneva, January 31, 2012

DRAFT AGENDA

prepared by the Secretariat

1. Opening of the session
2. Election of a Chair and two Vice-Chairs
3. Adoption of the Agenda
   See the present document.
4. Review of Model International Form No. 1 of the Singapore Treaty on the Law of Trademarks
   See document STLT/WG/MIF1/1/2.
5. Adoption of the Summary by the Chair
6. Closing of the session

[End of document]
MODEL INTERNATIONAL FORM No. 1

APPLICATION FOR THE REGISTRATION OF A MARK

submitted to the Office of ......................................

FOR OFFICE USE ONLY

Reference number of applicant¹: ..................................
Reference number of representative¹: ..........................

1. Request for Registration

Registration of the mark reproduced in the present application is hereby requested.

¹ The reference number allotted by the applicant and/or the reference number allotted by the representative to the present application may be indicated in this space.
2. Applicants(s)

2.1 If the applicant is a natural person, the person's
   (a) family or principal name²:
   (b) given or secondary name(s)²:

2.2 If the applicant is a legal entity, the entity's full official designation:

2.3 Address (including postal code and country):

   Telephone number(s):
   (with the area code)  Telefacsimile number(s):
   (with the area code)  E-mail address:

2.4 State of nationality:
   State of domicile:
   State of establishment³:

2.5 Where the applicant is a legal entity, indicate
   - the legal nature of the legal entity:
   - the State, and, where applicable, the territorial unit within that State, under the
     law of which the legal entity is organized:

2.6 □ Check this box if there is more than one applicant; in that case, list them on
   an additional sheet and indicate, in respect of each of them, the data referred
   to in items 2.1 or 2.2, 2.3, 2.4 and 2.5⁴.

² The names to be indicated under (a) and (b) are either the full names of the applicant or the names
   customarily used by the applicant.
³ "Establishment" means a real and effective industrial or commercial establishment.
⁴ Where several applicants are listed on the additional sheet with different addresses and there is no
   representative, the address for correspondence must be underlined on the additional sheet.
3. Representative

3.1 □ The applicant is not represented.

3.2 □ The applicant is represented.

3.2.1 Identification of the representative

3.2.1.1 Name:

3.2.1.2 Address (including postal code and country):

Telephone number(s): (with the area code)  Telefacsimile number(s): (with the area code)  E-mail address:

3.2.2 □ The power of attorney is already in the possession of the Office.

Serial number*: ........................................

3.2.3 □ The power of attorney is attached.

3.2.4 □ The power of attorney will be furnished at a later date.

3.2.5 □ No power of attorney is needed.

4. Address for Service*

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* To be left blank if the power of attorney has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the applicant or the representative.

* An address for service must be indicated in the space available under the title of Item 4 where the applicant does not have or, if there is more than one applicant, where none of the applicants has a domicile or a real and effective industrial or commercial establishment on the territory of the Contracting Party whose Office is the Office named on the first page of the present application, except where a representative is indicated in Item 3.
5. Claiming of Priority

☐ The applicant hereby claims the following priority:

5.1 Country (Office) of first filing⁷:

5.2 Date of first filing:

5.3 Application number of first filing (if available):

5.4 The certified copy of the application the priority of which is claimed⁶

5.4.1 ☐ is attached.

5.4.2 ☐ will be furnished within three months from the filing date of the present application.

5.5 The translation of the certified copy

5.5.1 ☐ is attached.

5.5.2 ☐ will be furnished within three months from the filing date of the present application.

5.6 ☐ Check this box if there is more than one filing whose priority is claimed; in that case, list them in an additional sheet and indicate, in respect of each of them, the information referred to in items 5.1, 5.2, 5.3, 5.4 and 5.5 and the goods and/or services mentioned in each of them.

6. Registration(s) in the Country (Office) of Origin⁹

☐ The certificate(s) of registration in the country (Office) of origin is (are) attached.

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⁷ Where the application the priority of which is claimed was filed with an Office other than a national Office (e.g., OAPI, the Benelux Trademark Office and the Office for Harmonization in the Internal Market (trade marks and designs), the name of that Office has to be indicated instead of the name of a country. Otherwise, not the name of the Office but the name of the country must be indicated.

⁸ "Certified copy" means a copy of the application the priority of which is claimed, certified as being in conformity with the original by the Office which received such application.

⁹ To be filled in where the applicant wishes to furnish evidence under Article 6quinquies A(1) of the Paris Convention when filing the application.
7. Protection Resulting From Display in an Exhibition

☐ Check this box if the applicant wishes to take advantage of any protection resulting from the display of goods and/or services in an exhibition. In that case, give the details on an additional sheet.

8. Representation of the Mark\textsuperscript{10}

8.1 ☐ The mark is a visible sign.

8.1.1 Reproduction of the mark:

(8-cm x 8-cm)

\begin{center}
\includegraphics[width=5cm]{mark.png}
\end{center}

8.21 ☐ The applicant wishes that the Office register and publish the mark in the standard characters used by it.\textsuperscript{11}

8.32 ☐ Color is claimed as a distinctive feature of the mark.

8.32.1 Indication of the color(s) claimed.\textsuperscript{12}

\textsuperscript{10} The dimension of the field for the representation of the mark is indicative. Offices may allow representations using larger formats.

\textsuperscript{11} Such a wish cannot be expressed in respect of marks which contain or consist of figurative elements. If, in the opinion of the Office, they do contain such elements, the Office will ignore the wish of the applicant and will register and publish the mark as appearing in the square.

\textsuperscript{12} The indication of the color may consist of the name and/or code of the color(s) claimed.
8.32.2 Principal parts of the mark which are in that (those) color(s):

8.4 □

9. Type of mark

9.1 The mark is a

9.1.1 □ three-dimensional mark

□........... different views of the mark are attached.

8.5 The mark is a

8.5.1

9.1.2 □ hologram mark.

□........... different views of the mark are attached.

8.5.2

9.1.3 □ motion mark.  

8.5.3

9.1.4 □ color mark.

□ indication of the color(s) claimed

□ indication of how the color(s) are applied to the goods or used in relation to the services

8.5.4

9.1.5 □ position mark.

□ indication of the position of the mark in relation to the product.

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13 If several different views of the mark are not included in the square provided in item 8 but are attached, check this box and indicate the number of those different views.

14 In respect of this type of mark, the Office of a Contracting Party has the option to require one image or a series of still or moving images depicting the movement.
8.6. Where applicable, details concerning the mark(s) under 8.5:

9.1.6 □ sound mark.

□ description of the sound constituting the mark.

□ indication that a recording of the sound is attached.

9.1.7 □ non-visible sign other than a sound mark.

8.7.

9.2 ......... reproduction(s) of the mark in black and white is (are) attached.

8.8.

9.3 ......... reproduction(s) of the mark in color is (are) attached.

8.9—□ The mark is a non-visible-sign

9.

10. Transliteration of the Mark

This mark or part of the mark is transliterated as follows:

11. Translation of the Mark

The mark or part of the mark is translated as follows:

12. Goods and/or Services

In respect of any of these types of mark, the Office of a Contracting Party may require one or more reproductions of the mark and details concerning the mark, as prescribed by the law of that Contracting Party.

If the mark consists of a non-visible sign other than a sound mark, the Office of a Contracting Party may require an indication of the type of mark, one or more representations of the mark and details concerning the mark, as prescribed by the law of that Contracting Party.

Indicate the number of reproductions in black and white and/or color.
Names of the goods and/or services\textsuperscript{19}:

☐ Check this box if the space above is not sufficient; in that case, give the names of the goods and/or services on an additional sheet.

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13. Declaration Concerning Intention to Use or Actual Use; Evidence of Actual Use

132.1 ☐ Check this box if a declaration is attached.

132.2 ☐ Check this box if evidence of actual use is attached.

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14. Requirements Relating to Languages

☐ Check this box if an attachment is enclosed in order to comply with any language requirement applicable with respect to the Office\textsuperscript{19}.

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16. Signature or Seal

154.1 Name of the natural person who signs or whose seal is used:

154.2 Check the appropriate box according to whether the signature is given, or the seal is used, by or on behalf of the:

154.2.1 ☐ applicant.

154.2.2 ☐ representative.

154.3 Date of signature or of sealing:

154.4 Signature or seal:

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16. Fee(s)

\textsuperscript{19} Where the goods and/or services belong to more than one class of the Nice Classification, they must be grouped according to the classes of that Classification. The number of each class must be indicated and the goods and/or services belonging to the same class must be grouped following the indication of the number of that class. Each group of goods or services must be presented in the order of the classes of the Nice Classification. Where all the goods or services belong to one class of the Nice Classification, the number of that class must be indicated.

This box is not to be used if the Office does not admit more than one language.
166.1 Currency and amount(s) of the fee(s) paid in connection with the present application:

166.2 Method of payment:

17. Additional Sheets and Attachments

☐ Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

[Annex II follows]
Groupe de travail chargé de l'examen du formulaire international type n° 1 du Traité de Singapour sur le droit des marques

Première session
Genève, 31 janvier 2012

Working Group on the Review of Model International Form No. 1 of the Singapore Treaty on the Law of Trademarks

First Session
Geneva, January 31, 2012

LISTE PROVISOIRE DES PARTICIPANTS*
PROVISIONAL LIST OF PARTICIPANTS*

établue par le Secrétariat
prepared by the Secretariat

* Les participants sont priés d'informer le Secrétariat, en modifiant la présente liste provisoire, des modifications qui devraient être prises en considération lors de l'établissement de la liste finale des participants.
* Participants are requested to inform the Secretariat of any changes which should be taken into account in preparing the final list of participants. Changes should be requested by making corrections on the present provisional list.
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(dans l’ordre alphabétique des noms français des États/in the alphabetical order of the names in French of the states)

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Jan WALTER, Third Secretary, Permanent Mission, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

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IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association communautaire du droit des marques (ECTA)/European Communities Trade Mark Association (ECTA)
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Association internationale pour la protection de la propriété industrielle (AIPPI)/International Association for the Protection of Industrial Property (AIPPI)
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Association internationale pour les marques (INTA)/International Trademark Association (INTA)
Bruno MACHADO, Geneva Representative, Rolle

V. BUREAU/OFFICERS

Président/Chair: Mikael FRANCKE RAVN (Danemark/Denmark)
Vice-présidents/Vice-chairs: Mei Lin TAN (Ms.) (Singapour/Singapore)
Secrétaire/Secretary: Marcus HÖPPERGER (OMPI/WIPO)
VI. SECRÉTARIAT DE L’ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY, directeur général/Director General

WANG Binying (Mme/Mrs.), vice-directrice générale/Deputy Director General

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