Guido Moradei (CEPIUG) feedback - 21.11.2017
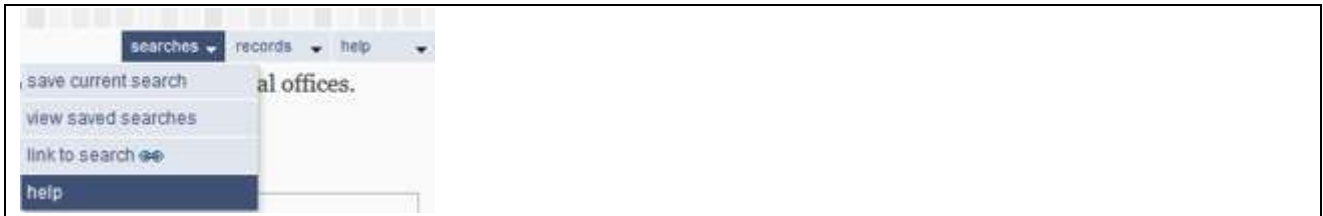
<mark>**1- Add a page to display the coverage (Database contents) for Global Design Database**</mark>

When you access the Help (the same under the title "searches", "records" and "help"/"How to search"), e.g.

a pop up window opens, at the bottom of which you find the title "Database Contents" without any additional text:

I do not know what this title is intended for: if it should give general information about the contents it could perhaps be put advantageously at the top instead that at the bottom and some text added, if it should report the detailed data coverage it should be clearer indicated as such and moved to a separate page.

A detailed list of contents (I mean "data coverage") would be necessary to understand what is included in the database and, even more important, what is missed.

A good example can be the Data Coverage document available for Patentscope at this link.

Fianlly, there are hyperlinks in the Help text that lead to the Database Contents which, in this situation, are not actually helpful.

<mark>**2- For both, Global Brand and Design Databases, display the coverage by date for each collection**</mark>

a. Global Design Database

See above comments.

b. Global Brand Database

In this case there is a "Database Contents" table included in the Help:

Database Contents

Source	Number of records	Last update	Update frequency
Cambodian Trademarks	80,961	2017-11-18	Daily
Trademarks of the Republic of Korea	3,344,952	2017-11-17	Daily
Lao Trademarks	41,463	2017-11-17	Weekly
Mongolian Trademarks	63,425	2017-11-17	Daily
Malaysian Trademarks	791,714	2017-11-17	Daily

…

In this case however are reported the number of records and the last update but there is no indication of the initial date of the coverage for each country, therefore it is not possible to know, e.g. if the search one is doing actually covers all the trademarks potentially in force or just a part of them.

A note for not expert searchers could also be welcome, to remind that the term of protection of registered trademarks can vary from country to country. Said information is already available elsewhere on the WIPO website at least for the Madrid System.

3-   For both, the filters by country is confusing. The difference between filtering by Source and Designation is not obvious.

In the **Global Design Database** there are several options referring to a territory: "Country" in the "SEARCH BY" area, "Source" and "Designation" in the "FILTER BY" area.

When you search by Country, e.g.:

SEARCH BY

Design	Names	Numbers	Dates	Country

Designation   =   CH

Priority   =

search 🔍

CURRENT SEARCH

DS:CH   ✖

🗑

a window opens where you can search by "Designation", that means that this search does not cover national registrations but Madrid system registrations only, which is not clear at all from the tab "Country".

See also the notes given by the Help:

<div style="border:1px solid">

Country Search

The Country Search tab lets you search for any countries associated with each record. You can enter standard country codes (i.e. 'AR' for Argentina) or enter the name of the country, and select from the drop-down whichever country you wish (i.e. 'ar ... Armenia').

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It should be stated clearly somewhere that searching by Country/Designation one only retrieve international registrations designating that country.

In the same Help, with regard to the Source, is reported that:

<div style="border:1px solid">

Source Filter

The Source Filter tab lists the original data source for the records matching your search. The currently available sources are:

See the [Database Contents](#) section for more details on the exact contents of each source database.

</div>

This help is not useful: the Database Contents are empty, and it doesn't tell that this tab only refer to national registrations.
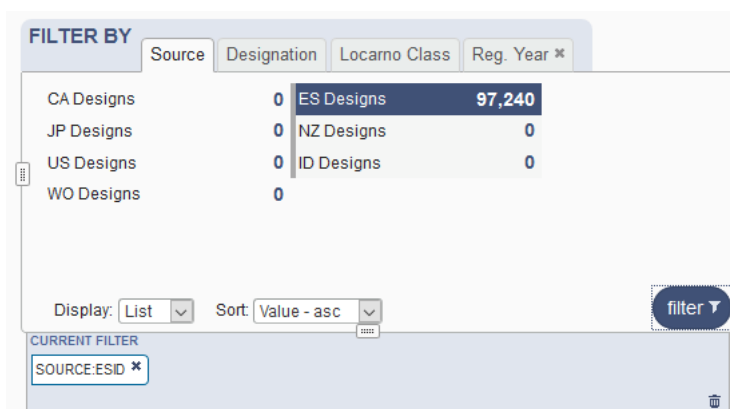
The only part of the Help where a note to the "collections" is given is at the bottom of the Designation Filter part:

<div style="border:1px solid">

Designation Filter

The Designation Filter tab contains the countries designated in each record. You can use the drop-down menu to select either a comprehensive list of all the designations (sorted by number of matching records), or a graphical representation showing the distribution of countries around the world or in a particular area (darker colors mean more records). You can hover your cursor over the country either in the list or the map and see full details.
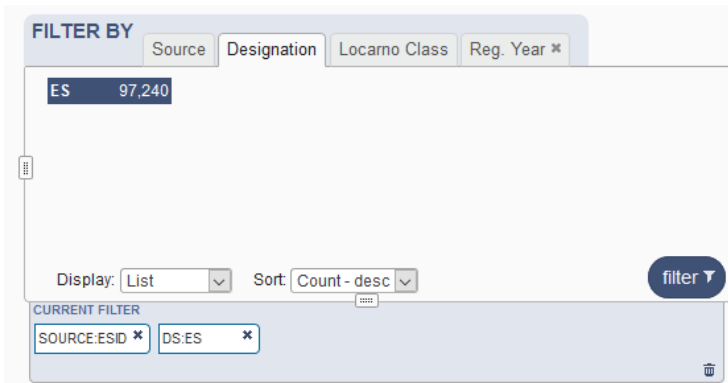
Note that for national collections, each will list itself as a designation.

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However, the last sentence "Note that for national collections, each will list itself as a designation" is very unclear, what does it mean, actually? If you need to search national registrations you must use the "Source" filter, not the "Designation", e.g.

I think that additional and clearer information has to be given to let the users know which collection he is searching and which are the differences between the items Country, Designation and Source.
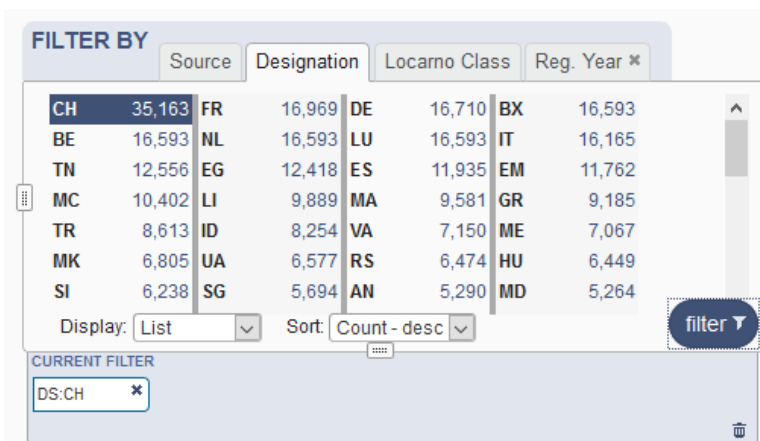
Besides, it is possible to <u>filter simultaneously by Source and by Designation for the same country</u>, e.g.

In this case the results are the same obtained by using the sole filter by Source (ES), that is the <u>national Spanish registrations</u>, but this does not comply with the filter by Designation requirement as these registrations <u>are not Hague registrations designating Spain</u>.

So, it should be better to exclude the possibility to use the double filter Source/Designation or to make it working elseway.

Again, the filter by Designation gives (of course) the same results as searching by Country/Designation:

But it seems that the two modes of searching/filtering by designation show the results (by default) in a different order:

by country search

by filter search

Reg. No	Source	Holder	Reg. Date	Locarno	National	Ind. Prod.	Designations	#Designs	Image
□ DM/091870	Hague	BOMBARDIER TRANSPORTATION GMBH	2018-07-21	12-03		1.-2. Railway carriage bodies	CH	2	
□ DM/086430	Hague	VOGEL MARCO	2015-05-07	03-01		1. Casket	CH	1	

This is not an issue as one can anyway order the results as he prefer but it's strange and I'm curious about it.

Coming back to the search by Country, as it is shown in the following screenshot:

some of the organizations listed in the drop-down menu, e.g. the EPO, are not design registrations issuing authorities. In some cases, particularly for non expert users, it can be misleading (e.g. which should I search for Europe: EPO, EUIPO, both, others?).

Finally, in the Help I also read what follows:

Contracting Parties Filter

Filter by the contracting partied of the record, where available. You can use the drop-down menu to select either a comprehensive list of all the designations (sorted by number of matching records), or a graphical representation showing the distribution of countries around the world or in a particular area (darker colors mean more records). You can hover your cursor over the country either in the list or the map and see full details.

I am not able to identify to what this note refers to exactly.

Also in the **Global Brand Database** there are several searching/filtering options referring to a territory: "Country" in the "SEARCH BY" area, "Source" and "Origin" in the "FILTER BY" area. Besides, you can also filter by directly clicking on a register indication, e.g. "CH TM".

Also in this case a confusion could arise about where to find national registrations and international registrations designating a particular country.

Said confusion could be increased by the additional "Origin" tab, particularly for non expert users, which can confuse it with the "Priority Country" or anyhow with the country where the applicant is located, while it refers only to the country (or the EU) of basic registration for an international trademark registration.

No explanations at all in the Help.

And there is the same logical problem of the Design Database of using simultaneously the filters, in this case, the search by source and by origin, e.g.

returns only national Swiss registrations (apparently not all used as origin for international registrations).

4- For National Emblems, it will be useful to display details on color information.

An example of color emblem:

Bibliographic Information:

6ter Number:	CH67
State:	Switzerland
	Institut Fédéral de la Propriété Intellectuelle Stauffacherstrasse 65/59g
Address:	Berne
	Switzerland
6ter Category:	Flag
Publication Date:	29.09.2017
Vienna Classification:	24.13.01, 26.04.01, 26.04.16, 29.01.01, 29.01.06

No doubts it is a white cross on a red background, and here is an example of decision of the EUIPO Board of Appeal to refuse to register a trademark including this emblem (Appl. 1100289, Appeal R1667/2012-4)

L'examinateur a correctement identifié l'armoirie suisse telle que déposée auprès de l'OMPI à titre de protection en vertu de l'article 6 ^{ter} en date du 1er février 1967 (n° CH27, circulaire n° 0651). Cette armoirie se compose d'une croix blanche sur un fond rouge au milieu d'un cadre en forme d'écusson.

L'enregistrement international comprenant l'emblème protégé est à tout le moins une imitation du point de vue héraldique du signe protégé en vertu de l'article 6 ^{ter}, paragraphe 1 de la Convention de Paris dans la mesure où il contient une représentation de cette croix et en constitue une imitation. Le fait que

l'enregistrement international contienne également un groupe verbal n'empêche pas l'application dudit article.

Dans ces conditions, la protection de la marque pour l'Union européenne doit être refusée en application des articles 7, paragraphe 1, point h) et 154 du RMC.

Now, what about the following emblem:

Bibliographic Information:

6ter Number:	CH66
State:	Switzerland
Address:	Institut Fédéral de la Propriété Intellectuelle Stauffacherstrasse 65/59g Berne Switzerland
6ter Category:	Flag
Publication Date:	29.09.2017
Vienna Classification:	24.13.01, 26.04.01, 26.04.16, 29.01.06

Is it a white cross on a grey background or, instead, should it be considered a white cross on a general darker background, suitable to see the white cross?

Is any note in this regard in the 6ter register not reported in the database?

There are thousands of trademarks including a white cross on a darker or colored (not red) background and this information is essential to choose a trademark which can be registered.

The matter is of huge importance as the rules about color/N&W/scale of grey are changing and thre are different aspects to be considered (see e.g. an EUIPO document here or a comment here).