

E

WIPO



SCIT/ATR/TM/1999/DE

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

ANNUAL TECHNICAL REPORT

1999

ON TRADEMARK INFORMATION ACTIVITIES

submitted by

GERMANY

An annual series of reports on the trademark information activities
of members of the Standing Committee on Information Technologies

ANNUAL TECHNICAL REPORT ON TRADEMARK ACTIVITIES OF THE GERMAN PATENT AND TRADEMARK OFFICE IN 1999

I. Evolution of registration activities:

In the year 1999 the number of trademark applications increased to 76,434 compared to 68,610 trademark applications in the year 1998 and 56,992 in the year 1997. The number of opposition procedures is now on a level of 13,588.

II. Matters concerning the generation, reproduction and distribution of secondary sources of trademark information, i.e., trademark gazettes:

- The Office's main publications in the field of trademark information are:
- The Trademark Gazette "Markenblatt" (weekly)
- The Online Information System DPInfo III (database)

The Trademark Gazette and the CD-ROM DEMAS are published by a private publishing company, WILA Verlag Wilhelm Lampl GmbH on behalf of the German Patent and Trademark Office. The Trademark Gazette has a circulation of 1200 copies of which 1000 are subscribed to. The CD-ROM DEMAS has 150 subscribers. The DPInfo III database contains the data of the electronic trademark register and additionally the basic data of the yet unpublished applications.

III. Matters concerning classifying, reclassifying and indexing of trademark information

Goods and services are classified according to the Nice Classification (Annex to Section 15 of the German Trademark Regulations).

Figurative elements of trademarks are classified by the German Patent and Trademark according to the Vienna Classification.

The German Patent and Trademark Office does not use an electronic classification system. Classification of all filings is done by examiners specially trained in classification matters to ensure a uniform classification particularly of terms not yet included in the Alphabetical List. Applicants are obliged to use terms which permit classification of the individual good or service in a class of the classification. Those terms should either be of the Alphabetical List or generally used in the course of business. There is however no obligation to use pre-defined terms of classification (Section 14 German Trademark Regulations).

The basic bibliographic data (name of the applicant, name of the representative, name of the trademark, classes of goods and services,

classes of the figurative elements) of all application filings are entered into the Office's internal data base within 10 days of receipt of the application thus allowing for an electronic search at a very early stage of the procedure.

IV. Trademarks manual search file establishment and upkeep

At the German Patent and Trademark Office trademark applications are allocated to the examiners according to the leading class of the claimed goods and services. The manual search file of the individual examiner therefore consists of reference books relevant for the specific class(es) of goods and/or services he is in charge of and dictionnaires of the languages most frequently used in trademark applications (German, English/German, French/German). The Office's library contains encyclopedias, dictionnaires of European and Eastern European languages, Japanese, Chinese, reference books for all kinds of goods and services, law reports, periodicals, the Gazette *Les Marques Internationales* and the *Community Trade Marks Bulletin*. Both the examiners' manual search file and the documentation at the library are updated on a regular basis taking into account the different developments in each class of goods and services.

V. Activities in the field of computerized trademark search systems:

The German Patent and Trademark Office has developed a computerized in-house search system based on the data of the Office's electronic trademark register. The search system contains the bibliographic data of the pending trademark applications and the trademarks registered, cancelled or rejected. In the latter case a summary of the grounds of refusal is included. For search purposes in opposition procedures the Office also uses the CD-ROM ROMARIN, EUROM and DEMAS. Since July 1999 examiners have access to the Internet in order to search the possible descriptive meaning of a given trademark.

VI. Administration of trademark services available to the public:

There are different information services available:

Electronic access to the trademark register is offered to the public by the Industrial Property Rights Information System DPInfo III, which contains legal and procedural status data of the nationally registered trademarks. There are special files in this data base for rejected trademarks, and beginning in 1998, for data of trademark applications, which are not yet registered and neither rejected nor withdrawn. Searches can be performed for trademark designations in the text as well as for register numbers. The external access requires special hard- and software equipment. For security reasons the user gets an individual password and username. An internet access will be available from February 2000 onwards. (www.dpma.de/suche/dpinfo.html).

The Office has issued numerous information leaflets regarding the trademark application and registration procedure including examination guidelines.

The General Inquiry Office of the German Patent and Trademark Office offers help to all questions concerning the preparation of a trademark application by phone, mail or e-mail. The Office has established a special telephone hotline to answer questions of those applicants who have already filed an application.

The Trademark Gazette the Gazette les Marques Internationales, the Community Trade Marks Bulletin and the CD-ROMs DEMAS, ROMARIN, EUROM are available to the public in the Office's public reading rooms in Munich and Berlin and at the 25 regional patent information centres.

The German Patent and Trademark Office is also represented in the Internet under <http://www.dpma.de>. The information provided covers all general topics concerning trademarks and the registration procedure. The applications forms as well as the information leaflets can be downloaded.

VII. Matters concerning mutual exchange of trademark documentation and information:

The German Patent and Trademark Office exchanges the German Trademark Gazette ("Markenblatt") with 36 Patent Offices. 23 Offices receive the CD-ROM DEMAS.

VIII. Matters concerning education and training including technical assistance to developing countries:

Great attention was once again given to technical cooperation with foreign industrial property offices and other organisations. Within the framework of the MIPEX II project a meeting of the technical working group on electronic online filing of IP applications was held in Munich in July at the invitation of the German Patent and Trade Mark Office. Numerous lectures and training activities were organized for foreign experts, e.g. from China, Croatia, El Salvador, the Republic of Korea, Latvia, Romania, Russia, Thailand, Turkey and Ukraine, who were particularly interested in the trade mark and patent examination procedures as well as in information services on industrial property rights. As in the previous years, a three weeks' seminar was held for civil servants from developing countries. Moreover, a seminar on streamlining search and examination procedures was organized by the German Patent and Trade Mark Office jointly with the EPO and WIPO. It was attended by twenty examiners from different African, Asian and Latin American countries. For three months, a Nepalese official received training at the German Patent and Trade Mark Office, mainly in trade mark and patent procedures. Other visitors came from Finland, France and Switzerland. Among the guests of the German

Patent and Trade Mark Office were also the President of the Turkish Patent Institute, TPE, the President of the Croatian State Intellectual Property Office, SIPO, and his deputy as well as a delegation from the Office for Harmonization in the Internal Market in Alicante and three Japanese delegations, among them the Deputy Commissioner of the Japanese Patent Office.

Furthermore, President Haugg met with the President of the Industrial Property Office of the Czech Republic in Prague and visited the Polish and the Romanian Offices for an extensive exchange of information.