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ANNUAL TECHNICAL REPORT

1999

ON TRADEMARK INFORMATION ACTIVITIES

submitted by

LATVIA

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

Patent Office of the Republic of Latvia

ANNUAL TECHNICAL REPORT on TRADEMARK INFORMATION ACTIVITIES in 1999

I. Evolution of registration activities.

The amount of applications filed for trademark registration within the national registration procedure in 1999 has decreased in comparison with year 1998 and is approx. 2100 applications. The share of domestic applications is 40 % of the total number. About 1900 trademark registrations are granted under the national procedure in the year 1999.

The activity of trademark applicants in the field of international trademarks (Madrid Agreement) also was lower: approx. 3600 international marks in 1999 (instead of 4400, registered or extended for Latvia within the year 1998).

Total number of registered marks has reached 42.6 thousand (24.6 thousand being registered within the national registration procedure and 18 thousand international registrations). The amount of valid trademarks at the end of the year 1999 was 39.7 thousand.

The changes in the TM application and registration activities perhaps were influenced by the development of legislation:

- new Law on Trademarks and Indications of Geographical Origin entered into force on 15.07.1999;
- Trademark Law Treaty entered into force, with respect of Latvia, on 28.12.1999;
- Madrid Protocol was expected to enter into force, with respect of Latvia, on 05.01.2000.

2. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information.

Each issue of the Official Gazette of the Latvian Patent Office (LPO) 'PATENTI UN PRECU ZIMES' contains publications on patents of inventions, industrial designs and trademarks (only those registered within the national procedure). The Gazette is issued once per month. The Gazette is being distributed on subscription, by sales and on the basis of mutual exchange.

2.1. Publishing, printing, copying techniques.

The trademark data for the Gazette are extracted semi-automatically from the LPO database 'PATIS', including all necessary bibliographical data as well as scanned black & white or gray-scale images. The layout of pages is carried out and a camera-ready copy of each issue is prepared in LPO, using the desk-top publishing technology. The Gazette is printed in offset technique in multiple copies, by external typographic company.

2.2. Main types of announcements:

2.2.1. REGISTERED TRADEMARKS;

by this publication the trademarks registered after the examination procedure come into force, and the marks are open for three-months opposition period;

2.2.2. TRADEMARK INDEXES:

- (a) Application Number Index;
- (b) Name Index of Owners;
- (c) Registrations Listed by Classes of Goods and Services;

2.2.3. CHANGES IN THE TRADEMARK REGISTER; -

in particular:

- full assignments and partial transfers,
- changes in names and/or addresses of owners,
- changes in names and/or addresses of representatives,
- changes within lists of goods and/or services,
- cancellations of registrations,
- trademark license contracts registered, etc.;

2.2.4. INFORMATION ON THE DECISIONS OF THE BOARD OF APPEAL:

- reduced versions of the decisions of the Board of Appeal (trademark matters are prevailing):

(a) decisions on the appeals submitted by applicants against negative decisions of the Patent Office;

(b) decisions on the oppositions submitted by third persons to the granted registrations.

2.3. Mass storage media and microforms.

Excluding the main database, the storage media is paper; electronic media and microforms are not yet in use within the national trademark procedure. International trademarks are not being recorded in LPO database.

2.4. Word processing and office automation; techniques used for the generation of trademark information.

LPO database 'PATIS' is developed in FoxPro for Windows.

Word processing: MS WORD for Windows 95.

Edition of images: CorelDraw 5.0; ZSoft PhotoFinish.

Layout of the Gazette: Aldus PageMaker 5.0.

Database 'PATIS' is being stored in the LPO local network hard drives.

The main operations produced using DB 'PATIS' or by the assistance of the database (and the built-in FoxPro Report-writer):

- keying-in of the application data and the lists of goods/services,
- choice (or keying-in) of applicant/agent data,
- scanning of the images and incorporation of the image files in the TM data,
- image coding (Vienna Classification),
- semi-automatic compilation and printing of the main official correspondence letters and the registration certificates,
- generation of the Gazette publications, etc.

International trademark paper files are being created using WIPO International Bureau official notifications (on paper) and the ROMARIN database. The official correspondence on the Madrid marks (including refusals of protection of international marks in Latvia, applications for international registration of Latvian origin, etc.) is being produced, using computer-prepared correspondence forms (which correspond to WIPO formulaires) and incorporating the national TM database image files, where necessary.

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

3.1. Classification and reclassification activities

Latvia is a member of the Nice Agreement. Nice Classification is used from the very beginning of the LPO activities, since 1992. The reclassification in accordance with the latest edition of the Nice Classification is foreseen to produce, where necessary, within renewal procedures.

Figurative marks are ex officio supplied with Vienna Classification indexes.

Coding systems used:

- (a) Nice Classification, Seventh Edition;
- (b) Vienna Classification, Third Edition - used on the level of category, division, section;
- (c) INID codes - accordingly to the WIPO ST. 60.

3.2. Use of electronic classification systems for checking the symbols furnished

The verification of the Nice Classification and Vienna Classification indexes for English and French terms is available (NIVILO:CLASS CD-ROM), but is not very often used because classification problems are arising mainly with Latvian terms.

3.3. Obligation for applicants to use pre-defined terms of the classification applied

The use of terms (in Latvian) close to that of the Nice Classification alphabetical list is recommended, but is not mandatory, since there is no official Latvian translation existing.

3.4. Bibliographic data and processing for search purposes

All the bibliographic data fixed in the Register are included in the publications of the registered marks. Simplified computer searching possibility is available (see Chapter 5, below).

4. Trademark manual search file establishment and upkeep.

4.1. Trademark files, national procedure.

The only manual card file which is still in use and is being continuously updated is that of the registered figurative marks with colour protection (because the electronic database still contains only gray-scale versions of colour images). This file is built in accordance with the Vienna Classification indexes concerned.

Folder files used:

- trademarks applied;
- trademark applications withdrawn / abandoned / refused;
- trademarks registered (the State Trademarks Register);
- trademark registrations cancelled.

These files are organized accordingly to the sequence of application numbers or registration numbers, respectively, and are being updated continuously.

4.2. International (Madrid Agreement) trademark manual files.

Folder files used:

- international marks with the effect in Latvia (registrations & subsequent territorial extensions);
- international marks protection of which in Latvia is refused (provisionally, finally);
- applications on the international registration where Latvia is a country of origin.

Files are organized accordingly to the sequence of WO registration numbers and are being updated continuously.

4.4. Documentation from other offices maintained and/or considered part of the available search file.

The only manual file containing the documentation received from outside is the file of the international trademarks where Latvia is among the countries for which the protection of a mark is requested (see 4.2, above).

5. Activities in the field of computerized trademark search systems.

5.1. In-house systems.

5.1.1. National trademark procedure: the software provides online searches within the applied and registered marks. Internal searches are available:

- on different bibliographical data of marks;
- on identity or similarity of the verbal part of marks; the printouts show the main data of marks and their status - applied, withdrawn / abandoned, registered, cancelled;
- on the applicant / owner names.

5.1.2. International marks: all kinds of searches available in the ROMARIN are ensured.

5.2. External databases.

5.2.1. External databases used: ROMARIN, 'ARTICLE 6TER' CD-ROM, International Nonproprietary Names for Pharmaceutical Substances (WHO), etc..

5.2.2. INTERNET access is available on each workstation. This opportunity is often used during the examination procedures, studying trademark information in the web-sites of WIPO, OHIM and of the Trademark Offices of foreign countries. Available decisions of the OHIM Opposition Division and the OHIM Boards of Appeal, as well as judgements of courts are studied. CTM-ONLINE search also is available.

5.3. Administrative management systems (e.g., register, legal status, statistics, administrative support, etc.)

Not yet developed; although the main data for the statistics may be extracted from the database.

5.4. Equipment used (hardware, software).

The LPO local network is built on ETHERNET principles, using Novell Netware 3.11. For the time being the network includes:

- Novell Netware file server (common for all LPO procedures);
- IBM-compatible PCs used for trademark procedure purposes: 10 PCs of Pentium type, 1 PC of 486 type;
- several printers, including a HP LaserJet 4Si/4Si MX and a HP LaserJet 4M/4M Plus;
- a HP ScanJet IIp scanner.

CD-ROM station (PC Olivetti TIN/II - 133 DT) provides searching in the ROMARIN.

Latvia is participating in the RIPP-PHARE Common Software Project promising the long-expected improvements in the office automation field, especially within the administrative management of applications.

6. Administration of trademark services available to the public.

TM information services available to the public in LPO:

- sales of the Gazette;

- extracts from the State Register - on request;
- verbal identity / similarity search reports from the LPO database - on request;
- search reports from the ROMARIN and 'ARTICLE 6-TER' CD-ROM - on request.

In the Patent and Technology Library there are available also:

- trademark gazettes, including of foreign countries and 'Gazette OMPI des marques internationales';
- searching in the ROMARIN;
- CTM applications, in CD-ROM version (Community Trade Marks Bulletin).

For the time being LPO trademark information is not being distributed by means of electronic media and is not posted on the INTERNET.

7. Matters concerning mutual exchange of trademark documentation and information.

Mutual exchange of the trademark gazettes is established with more than 20 Offices. Machine readable information for such exchange is not available for the time being.

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

During the year 1999 the representatives of the LPO trademark staff have participated in educational activities organized by WIPO, as well as by EPO (within the RIPP/PHARE programs). Several specialists have visited foreign patent offices in compliance with the mutual cooperation agreements and exchanged experience with their foreign colleagues at international meetings on industrial property matters.

[End of Report]