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STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

ANNUAL TECHNICAL REPORT

2001

ON TRADEMARK INFORMATION ACTIVITIES

submitted by

AUSTRALIA

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

ANNUAL TECHNICAL REPORT ON TRADEMARK INFORMATION ACTIVITIES

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I. Evolution of registration activities:

- Changes experienced in terms of application filings and registrations with respect to the previous year;
- Trends or areas experiencing rapid changes with respect to the previous year.

In the year 2001, 38,174 applications were filed. This was a 10% decrease over the 42,500 applications filed in 2000. Applications in the goods classes decreased by 5% and there was significant drop - 22% in those applications claiming services.

31,171 registrations were actioned in 2001 compared with 19,980 in 2000.

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

- **Publishing, printing, copying techniques;**

The Trade Marks Register is electronic. Its data is available externally via internet-deployed search facilities, and internally through the business application and intranet search tools. Advertisement of Trade Mark transactions is via a paper journal - with an electronic journal scheduled for release in June 2002.

- **Main types of announcements of the Office in the field of trademark information;**
- Application Filing
- Application Acceptance
- Registration
- Opposition
- Assignment
- Changes to Name and Address
- Changes of Practice

– **Mass storage media and microforms used;**

Main business applications databases are ADABAS, ORACLE and Objective (an EDMS) using disk storage. Some smaller applications use Unix file directories, also on disk.

– **Word processing and office automation;**

Examination Reports are prepared in Word 97, with trade mark application data sourced from the ADABAS Natural business application. Standard Notices are generated from ADABAS using XICS, and also from ORACLE.

– **Techniques used for the generation of trademark information (printing, recording, photocomposing, etc.).**

Trade Mark bibliographic data (from ADABAS) and image data (from Unix) is merged for the provision of both electronic Register and search facilities, and examination reports and standard notices.

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

– **Classification and reclassification activities; Classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification (please state whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used);**

The Office uses the Nice Classification version 8 for the classification of goods and services. Classification of goods and services is being performed by a specialised group prior to examination. The results of the classification check are accessed by the examiner for inclusion in the report to the trade mark applicant. A major review of the associated class list was recently undertaken, resulting in considerably fewer classes now being associated. This has meant fewer hits when searching for conflicting marks.

The Vienna Classification is not used but rather a system called the Constituent Particulars Index. A new practice has been introduced for applications containing an image to limit the number of indexing terms to six. This practice has been successful in reducing the numbers of hits when searching across the database.

Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services;

Manual at present. Electronic systems are currently being investigated.

- **Obligation for applicants to use pre-defined terms of the classification applied;**

There is no obligation for applicants to use pre-defined classification terms.

- **Bibliographic data and processing for search purposes.**

Trade Marks bibliographic data (ADABAS) is available through direct and dial-up lines, and also over the Internet. Bibliographic data and images (Unix) are both available over the Internet using ATMOSS (the Australian Trade Marks Online Search System).

IV. Trademark manual search file establishment and upkeep:

- **File Building;**

Commencing in March 2001, the Office began progressively replacing paper case files with an EDMS. The Trade Marks Records and Correspondence System (TRACS) has been developed using an Australian EDMS product, OBJECTIVE.

- **Updating;**
- **Storage, including mass storage media;**
- **Documentation from other offices maintained and/or considered part of the available search file.**

None

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

- **In-house systems (online/offline);**

The Office is progressing a system redevelopment/migration that sees the Trade Mark business applications moved from the ADABAS/Natural mainframe environment to a Client/Server/browser environment. Examiners are now using ATMOSS to search for conflicting trade marks, rather than use the research facility within the mainframe.

In 2001 the Office completed the systems implementation to support Australia's accession to the Madrid Protocol. Communication to and from the International Bureau are conducted electronically using the SGML standard developed by the International Bureau. The Office is redeveloping its systems infrastructure to allow utilisation of the improved XML standard.

– **External databases;**

An application known as the Trade Mark Research Facility allows examiners to search across a number of different databases for the purpose of determining a trade marks capability to distinguish. An examiner is able to enter search criteria to obtain results from a dictionary, a geographical gazetteer, a pharmaceutical database, and a list of Australian surnames. Links are then provided to a set of internet sites that cover specific subject matter (information technology, acronyms, foreign language, etc). The introduction of the Research Facility has greatly streamlined the research element of examination.

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

The primary business system is an ADABAS Natural application running on an IBM MVS mainframe. The mainframe data is replicated in ATMOS (the Australian Trade Marks Online Search System) a web-deployed ORACLE application running on UNIX.

TRACS stores all information relevant to a trade mark application in an electronic format. Trade mark applications and associated correspondence will be scanned and then routed to areas throughout the office for actioning. Approximately 8000 pieces of correspondence will be handled each week using TRACS. Any information generated by the examiner (search results, reports, etc) will be saved directly into TRACS. This system has the benefit of reducing the cost of moving work to different locations throughout the Office. It also enables concurrent access to information to streamline some processes.

– **Equipment used (hardware, including the types of terminal and network used, and software), carriers used.**

The introduction of TRACS has increased the amount of screen based work. As a result, 21 inch monitors have been provided to all staff. The standard desktop environment is Windows 98 with the Microsoft Office 97 suite of applications.

VI. Administration of trademark services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts):

ATMOSS is deployed over the internet and can be used free of charge by the public. Access is provided to all trade mark applications (pending, registered, lapsed). History information is also provided to allow users to follow the progress of an application. An application can typically be searched and viewed on the internet within two weeks of lodgement.

Applicants can apply to register their trade mark over the internet. The electronic form incorporates context sensitive help and data validation. Payment is made using credit card. Security is provided via SSL. The existing electronic form is targeted at low volume users and currently accounts for approximately 50% to 60% of all private applicant filings.

Additionally, the Office is trialing ebXML (B2B) communications with high volume users.

- **Planning, administration, automation, security;**
- **Collection management, preservation;**
- **Information services available to the public (including computerized services and search files contained in libraries remote from your Office and trademark information posted by your Office on the World Wide Web).**

All online services (eg searching, application filing, forms, information and advisory services) are available via our Internet site <http://www.ipaustralia.gov.au/>

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

- **International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes;**

IP Australia sends trademark gazettes to 42 countries.

- **Exchange of machine-readable information.**

None.

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

- **Promotional activities (seminars, exhibitions, visits, advertising, etc.);**

IP Australia hosts regular seminars with IP professionals, tertiary institutions, etc that deal with all aspects of Intellectual Property, including commercialisation of Intellectual Property. The web site is being increasingly used as the main vehicle for promotion and education.

Prior to the commencement of the Madrid Protocol in Australia in July 2001, awareness sessions were held in all capital cities around Australia. In addition to seminars for all interested parties, workshops were held for Intellectual Property professionals.

- **Training courses for national and foreign participants; Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.).**

IP Australia provided the Indian Trade Marks Registry with technical assistance for the modernisation of trade mark administration within the office between August and December 2001.

Assistance was provided to the Intellectual Property Department of Hong Kong on the implementation of the new trade mark legislation and information technology systems.

IP Australia also hosted a visit from an official from the Directorate General of Intellectual Property Rights to study the administration of geographical indications.

IP Australia has been involved in technical co-operation activities with the Korean Intellectual Property Office including the operation of the Madrid Protocol, and the development of IP information systems for developing economies.

IX. Other relevant matters.

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