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ANNUAL TECHNICAL REPORT

2001

ON TRADEMARK INFORMATION ACTIVITIES

submitted by

POLAND

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 2001

prepared by

POLAND

I. Evolution of registration activities

1. In connection with the new *Industrial Property Law*, adopted in Poland on 30 June, 2000, and effective since 22 August, 2001, application filing procedure changed in 2001 with respect to the previous years, namely: an assignment of the application date takes place on the day of incoming of an application to the Office or on the day it has been received by telefax. In case an application has been sent by telefax, the original application should be supplied within 30 days from the date of sending. Previously – the basis was the date of a postmark (date of mail).

At the end of 2001, also a form of granting protection for trademarks changed. Previously, granting protection was a result of a decision taken in respect of trademark registration (*grant of trademark registration*).

The new legislation provides for granting protection through granting *a right of protection for a trademark*. Such a grant is possible upon payment of a fee for a 10-years' protection period.

Confirmation of granting a protection right for a trademark is an issue of *a certificate of protection* for a trademark.

Granted protection rights for trademarks are subject to enter in the trademark register.

2. In 2001, 12.379 decisions were taken relating to trademark registrations under the national procedure (of that, 8.287 were positive decisions) and justness of recognition in Poland of 10.460 international registrations was examined.

The total number of decisions taken in respect of trademarks amounted to 22.839, which makes 6,4% more in comparison with 2000.

3. The number of trademark registrations in force on 31.12.2001 amounted to 76.035 under the national procedure and to 64.675 under the Madrid Agreement (140.710 in total).

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

1. Information on applications

In 2001, the Polish Patent Office received 25.035 trademark applications in total, including 15.188 trademark applications filed under the national law (of them, 12.434 were filed by Polish subjects) and 9.847 foreign applications filed under the Madrid System (notifications of international registrations with the designation of Poland), which makes a 11,7% total decrease, comparing the 2000 data. In the period under review, of 560 received requests for international registration of Polish trademark applications under the Madrid System, 263 were transmitted to the WIPO.

2. Storage and distribution of trademark information

Trademark information is stored on paper carrier and in machine-readable form (hard discs and CD-ROM). In 2001, that information was made accessible to:

2.1. the outside users:

- on the premises of the Polish Patent Office in the Office's Library, in the form of indices of trademark applications and indices of registered trademarks on paper. (The Polish Patent Office publishes trademark applications only as an information material to enable making initial searching before filing an application).
- in the Polish Patent Office, for retrieval on the data bases contained on CD-ROM (ROMARIN, TRACES, DEMAS, CASSIS TRADEMARK PENDING, CASSIS TRADEMARK ASSIGN, CASSIS TRADEMARK REGISTERED, COMMUNITY TRADEMARKS BULLETIN (OHIM)).

- via Internet, from 5 workstations installed in the Office's Library for performing retrieval on the ARSPATENT data base containing complete verbal and graphic data on all trademarks filed and protected in Poland under national law, as well as information service on trademarks with Polish designation filed under international law, prepared on the base of data received from WIPO. (National applications are available on the data base six months after the filing date);
- from a user's computer, after he has acquired an appropriate authorization (through a telephone line or through INTERNET);

2.2. the experts of the Polish Patent Office:

- in-house data bases BAZPAT and ROMARIN, accessible in the network from experts' workstations. The BAZPAT data base contains all data on trademarks filed and registered under national law, including data on the current stage of processing of each case.

3. Publishing techniques

Information on registered trademarks is published in the monthly official gazette „Wiadomosci Urzedu Patentowego” („Communications of the Patent Office „) – WUP, which is printed in offset, basing on the data contained in the BAZPAT computer data base, and is prepared for print with the use of DTP (COREL VENTURA 7) system. Laser printouts are the basis for the montage. In 2001, the Office issued 12 Nos of WUP (7.665 copies). WUP is also published on the Internet.

In 2001, we carried on technical preparations before starting publication of information on trademark applications in the biweekly official gazette „Biuletyn Urzedu Patentowego” („Patent Office's Bulletin” – BUP).

III. Classifying, reclassifying and indexing of trademark information

The Polish Patent Office applies the Nice Classification for goods and services and the Vienna Classification for figurative elements of trademarks. An applicant performs preliminary classification. Classification symbols are verified and corrected by the Office at the stage of registration procedure.

IV. Trademark manual search file establishment and upkeep

At present, traditional methods of searching trademarks are not used in the Polish Patent Office.

V. Activity in the scope of computerized trademark search systems

1. In 2001, the Patent Office exploited the existing computerised trademark data base for internal purposes connected with filing, examination and registration of trademarks. The base includes four data bases accessible in the network system:
 - bibliographic trademark data base, containing trademark applications and registrations, as well as negative decisions under the national procedure, and functioning in REVELATION system;
 - integrated with graphics, trademark data base, containing trademark applications and registrations under the national procedure, fed daily with

changes recorded in the bibliographic data base, enabling retrieval of trademarks according to verbal and figurative elements and functioning with the support of the ORACLE management tools for data bases (VERITY search system). This data base is consulted by experts of our Office for searching trademarks;

- international trademark registrations data base (ROMARIN), functioning under INFOWARE search system;
- pesticide data base.

The above mentioned data bases have been used for searching trademark information.

2. Administrative management systems

Information stored in the data base supports administrative functions. The computerised trademark data base has been exploited for filling in registration cards and other kinds of printed matter used by a respective department and for correspondence with an applicant, e.g. prints of decisions, refusals, corrections and changes, decisions concerning collisions, decisions on registration and certificates of protection. Statistical returns (including statistics for the WIPO) are prepared automatically. System of fees administration is also in operation. Legal status information is daily recorded in the network.

3. In 2001, the ARSPATENT data base, containing verbal and figurative data on trademarks protected in Poland, was rendered accessible on the INTERNET for the needs of the outside users. Access to this information is possible through remote user connections, as well as from 5 workstations in the Library within services for the users outside the PPO.
4. In 2001, an information service was functioning on the INTERNET, containing, among others, current numbers (beginning from 1999) of our official monthly gazette „Communications of the Patent Office” (WUP), where data on trademarks registered in Poland are contained.

5. We continued cooperation with patent offices of Hungary, Czech Republic, Slovak Republic, Romania and Bulgaria in relation with the

production of the TRACES CD-ROM optical disc, containing data on protected (verbal and figurative) trademarks of said countries and Poland.

6. Data base, containing notifications of trademark applications designating Poland under the Madrid Agreement, was further developed and modernised.

7. Equipment used:

- Computer Local Area Network (Lan) with PC workstations (75 pieces);
- The carriers are network discs (hard discs and CD- ROM's), supported by Novell's NetWare system (the total capacity of discs for trademarks: 9 GB);
- Server NT with the ULTRANET system for handling the ROMARIN system;
- Application server WINDOWS 2000 SERVER for handling the trademark data base under VERITY and ORACLE systems;
- Server Windows NT for supporting data base of trademarks protected under the Madrid Agreement in DB2 system with XML standard;
- Server AIX with IBM CONTENT MANAGER system for administration of application documents and of the ORACLE data base.

VI. Trademark services available to the public

1. The following publications containing trademark information are accessible in the Office's Public Library on paper:
 - a) A bulletin „Wiadomosci Urzedu Patentowego” („Communications of the Patent Office”) - WUP, containing information on registered trademarks;
 - b) Alphabetical index of trademark applications (in the form of computer printouts) for the last several years, supplemented monthly;
 - c) Alphabetical index of registered trademarks covering the period 1924-2001 (in the form of computer printouts), supplemented quarterly.
2. The ARSPATENT data base was rendered accessible for the outside users from 5 workstations installed in the Office's Library, for performing retrieval. The base is also accessible from user's computer (through a telephone line or through the Internet). Data in the base are updated biweekly.
3. Information on services performed by the Office for users within the scope of trademarks has been contained on the www home page of the Patent Office and is periodically contained in a monthly information brochure „, Patent Office's News ,, (a monthly).
4. Information services for the users, with respect to trademark protection, have been performed by the General Information unit of the Office and in the Public Library where customers may also receive help within the retrieval and searching procedures.
5. Excerpts, duplicates and certificates, officially confirming specified entries in the trademark register have been delivered against payment on request of an interested user.

VII. Exchange of documents and information

1. Within mutual exchange between offices, in 2001, our Office sent 420 copies of the „Communications of the Patent Office” (WUP) to 30 foreign offices and to 1 international organization (EPO). In the period under review, documentation files of the Polish Patent Office enlarged of official gazettes (on paper) from 38 foreign patent offices and from the WIPO.
2. On CD-ROM, we received trademark data from the USA (22 discs), from Germany (5 discs) and from the OHIM (53 discs). Totally, in 2001, the files of the Office enlarged of 80 discs with trademark data.
3. In the period under review, data necessary for production of the TRACES disc were prepared and transmitted in electronic form. In 2001, within the framework of popularisation of the TRACES data base, 27 sets of the disc were sold on individual orders in the country, mainly to patent attorneys' offices and to industrial plants.
4. Under the Madrid System, the Office received 14 sets of optical discs ROMARIN with applications of international trademarks.
5. In 2001, the Office received 25 numbers (275 copies) of the WIPO bulletin „WIPO Gazette of International Marks”, free of charge.

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

1. In 2001, 4 experts of the Patent Office took part in two workshops on the Community Trademark system, organized in the Office for Harmonization in the Internal Market (OHIM) in Alicante.

2. 30 experts of the Office were trained on the same issues by experts from the OHIM during workshops which took place in our premises.
3. 40 patent attorneys participated in a training on the Community Trademark procedure (claiming the rights), organized in Warsaw in cooperation with the OHIM.
 4. In 2001, our trademark examiners took part in the following trainings organized by the EPO within the RIPP program on:
 - (a) the Community Trademark system implications for the activities of national offices in the Hague;
 - (b) registration/examination procedure of the Community Trademark in Alicante.
 5. Moreover, in 2001, the Office, together with the Center of Techniques and Inventive Activity, organized study workshops for patent attorneys, concerning: „The problems of trademark protection in the light of the new industrial property legislation – selected issues”.

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