

**ANNUAL TECHNICAL REPORT OF THE HUNGARIAN PATENT OFFICE
ON ITS TRADEMARK INFORMATION ACTIVITY
IN 1998**

I. EVOLUTION OF REGISTRATION ACTIVITIES

Trademark applications and registrations between 1994 and 1998

	1994	1995	1996	1997	1998
National trademark applications	3 958	3 884	4 270	4 904	5 437
Domestic	2 204	2 002	2 194	2 711	3 303
National registrations	2 051	997	2 771	6 386	6 851
International trademark applications	5 950	5 526	6 857	7 600	7 605
International registrations in Hungary	6 267	5 914	6 539	5 481	7 172
Valid international trademarks	185 618	119 949	123 454	129 219	133 802

In 1998 altogether 8557 national trademark applications were completed as compared with 8082 in 1997. Of these 6851 cases ended with registration, 979 applications were rejected. The number of cases considered withdrawn amounted to 727. Priority was given to the processing of the backlog accumulated from the previous years. In this respect 2500 trademark cases were completed, mainly with registration.

1998 saw an almost 11 % increase in the national trademark application activity. Owing to the high number of cases completed in the year under review, the number of pending cases decreased, thus it totals approximately 5500. Simultaneously, the average pendency time was reduced to one year.

In 1998, the number of renewals amounted to 1165 and 2761 changes were recorded, which means a further increase over the previous years. This is the field where the activity is the most intensive, about 400 new requests are received monthly. Taking into account the increase in the number of registered trademarks, further growth is expected in this field. The pendency time of renewals and recorded changes is at present 3 to 5 months which is a considerable step forward compared with the previous years.

With respect to international trademark applications, the annual growth continues to be 8 to 10 per cent. In 1998, 7800 applications were examined, out of which a provisional refusal was issued in 1087 cases and 6650 cases ended with registration. Out of the previous pending cases 1030 were completed, of which 418 were refused. As a result of the processing of the backlog accumulated during the past few years further 510 cases were completed, of which 210 ended with registration.

As a result of all this it is expected that by the turn of the millennium the number of national trademarks will have reached 30,000 and there will have been almost 150,000 international trademarks having effect in Hungary, too.

As far as domestic geographical indications are concerned, only two applications were received in 1998, thus the HPO recorded and started to process until now altogether 10 such applications on the basis of the detailed regulation that entered into force in the year under review. In compliance with Law No. XI of 1997, the 28 cases taken over from the special national register under the Lisbon Agreement were registered.

Changes experienced in the national procedure from 1997 to 1998

Application activity growth 10% compared to 1997

In 1997- 4.940 trademark applications, in 1998 - 5437 applications

Number of registered trademarks in 1997 - 6386 - in 1998 - 6851

Number of final decisions in 1997 - 8082 - in 1998 - 8557

Changes in international trademark procedure from 1997 to 1998 (according to the Madrid Agreement and Madrid Protocol)

Application activity growth 3% compared to 1997 .

In 1997 - 7600 trademark applications, in 1998 - 7800 applications

Number of registered trademarks in 1997 - 6479 - in 1998 - 6650

Number of final decisions in 1997 - 7153 -in 1998 - 7680

According to the data of the ROMARIN database in 1997 the number of valid international trademarks designating Hungary was 133.802

Trends or areas experiencing rapid changes with respect to the previous year

The number of applications and final decisions reflects a continuous tendency of solid growth - 5-6% - which results from the vividness of the economical market.

From the performance of the national trademark section the increase of trademark renewals and registration of changes is to be mentioned. This is the most rapidly growing field whereas the registration of new applications is over 400/month.

At both sections the proceedings of the Board (in cancellation procedures, procedures for the decision on the loss of distinctive character and on becoming deceptive, as well as on lapse for non-use) made decisions in over 110 cases. The demand in this field redoubled last year, and in 1998 the number of new proceedings is 99 at the national section and 64 at the international section.

II. MATTERS CONCERNING THE GENERATION, REPRODUCTION AND DISTRIBUTION OF SECONDARY SOURCES OF TRADEMARK INFORMATION, I.E., TRADEMARK GAZETTES

In comparison with the activities carried out the previous year there are no outstanding events to be mentioned. The revision of the trademark section of the Patent and Trademark Gazette is being carried out continuously. The content of the Gazette was increased by the communication of geographical indications (10 applications).

III. MATTERS CONCERNING CLASSIFYING, RECLASSIFYING AND INDEXING OF TRADEMARK INFORMATION

The Hungarian Patent Office continues to apply the Nice Classification - the International Classification of Goods and Services for the Purposes of the Registration of Marks. In the Patent and Trademark Gazette under the title "Communication of trademark applications data" the Nice class numbers of claimed products and services are published, and in the chapter of registered trademarks with each published trademark the full list of claimed products and services (in Hungarian) in Nice Class order is published. For checking of classification symbols the examiners can use ROMARIN as electronic means of help.

The greatest achievement in this field was the publication of the Hungarian/French/English language version of the Nice Classification VII. in paper form. It is not yet available in electronic form.

The applicants are not obliged to use the terms of the Nice Classification, but during the examination procedure in each case the examiner and the applicant co-operate in transforming the terms used within the frames of the Nice Classification.

The Hungarian Patent Office applies the International Classification of the Figurative Elements of Marks - the Vienna Classification for searching purposes in the framework of the ROMARIN database.

The entering of the Vienna Classification in the national procedure (office classification of the national valid trademarks and trademark applications) is planned for the near future.

All the bibliographic data of trademark applications and registered trademarks are indexed for search purposes.

IV. TRADEMARK MANUAL SEARCH FILE ESTABLISHMENT AND UPKEEP

Manual searches are no more carried out at our Office. The upkeep of the manual search files has been terminated.

V. ACTIVITIES IN THE FIELD OF COMPUTERIZED TRADEMARK SEARCH SYSTEMS

In 1998 the HPO's electronic administration and recording system was modernised and improved with respect to all forms of industrial property protection. The administrative procedure according to the new Law No. XI. of 1997 on the Protection of Trademarks and Geographical Indications was integrated this year into the ORACLE/Netware-based uniformized administration-management system (ENYV). Preparations were made for the integration of domestic administration of international trademark applications under the Madrid Agreement/Protocol in the ENYV -system as well.

VI. ADMINISTRATION OF TRADEMARK SERVICES AVAILABLE TO THE PUBLIC

In the Office building the modernization of the first-floor public information section has been completed.

The clients have a full-service assistance possibility there :

- filling of application forms (the use of which is not obligatory)
- searches in all the electronic databases available in the Office
- use of Nice Classification
- photocopying

The public information section received new computers, printing and colour photocopying facilities.

Public assistance is available every day from 9 to 13 hours.

A floppy disc named "MSZH 97" (WINDOWS 3. and above) is available both for internal use and also for public purposes. It contains the full procedure carried out by the Hungarian Patent Office - by means of an ingenious flow chart and an explanatory text - in all the categories of industrial property protection i.e. patent, utility model, trademark, industrial design.

The Web site of the Office (<http://www.hpo.hu>) also provides a full-service to the users of INTERNET.

In the Office INTERNET-equipped public stations are available in the libraries.

The Web-based database of Hungarian trademarks, <http://www.hpo.hu/magyar/db/vedjegy>, was put into use in July 1997.

VII. MATTERS CONCERNING MUTUAL EXCHANGE OF TRADEMARK DOCUMENTATION AND INFORMATION

Within the framework of international exchange of documentation the HPO receives trademark gazettes or official gazettes containing trademark information from the WIPO and from 20 countries.

Within the framework of the electronic exchange of information and regional co-operation the HPO sends data to the TRACES CD-ROM trademark database of Central-European countries.

VIII. MATTERS CONCERNING EDUCATION AND TRAINING INCLUDING TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES

In comparison with the activities carried out the previous year there are no outstanding events to be mentioned.

Budapest, May, 1999