

CWS.ATR.TM.2009.PL

Annual Technical Report 2009 on Trademark Information Activities submitted by Poland (CWS/ATR/TM/2009/PL)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

I. Evolution of registration activities

Changes experienced in terms of application filings and registrations with respect to the previous year

In terms of IT changes, during 2009 Trade mark on-line filings were incorporated under the Polish Patent Office's Online Services Portal (<http://ipu.uprp.pl>)

Implementation of repository for trade marks under TM-Phoenix was also carried out.

In the scope of legislative changes, Poland entered into the Singapore Treaty on the Law on Trademarks of 27.03.2006. Slight changes were introduced in the Art. 132.1.1 in the Industrial Property Law which applies in Poland in the field of industrial property protection.

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

In 2009, the Polish Patent Office received in total 18 333 trademark applications and notifications of international registrations designating Poland, including 14 142 applications filed under the national procedure and 4 191 notifications under the Madrid Agreement Concerning the International Registration of Marks and the Protocol to that Agreement.

In 2009, the Patent Office received from domestic applicants:

- 316 requests for international registration of Polish trademarks under the Madrid Agreement and the Protocol to that Agreement (which is 29.5% less than in 2008).

- 27 requests for Community trademark, which were transmitted to the OHIM.

Examiners from the Patent Office carried out examinations and made decisions in 22 432 trademark cases, of which 17 698 - under the national procedure and 4 734 decisions concerning international registration. The number of trademark registration rights in force on 31 December 2009 was 233 081 (115 707 under national procedure and 117 374 under international procedure).

In terms of IT changes virtualization of servers and personal workstations based on the blade-type servers was performed.

The Office is currently redesigning its website which will be launched in 2010.

Trademarks were in the course of the whole procedure conscientiously described together with the opposition practice. At the same time, for purposes of the Intranet the Office arranged for the virtual environment based on MS SharePoint Services solution. Works are continued in 2010.

URLs of web pages of the Office's website that provide statistics related to trademarks

Statistics are accessed at the following URLs:

<http://www.uprp.pl> (Annual Reports)

Detailed statistics may be bespoke provided (write to <http://ipu.uprp.pl/portal/web/guest/kontakt>).

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

Publishing, printing, copying techniques

Pending and registered trade marks (national and international designating Poland) are published in the Office's Official Gazettes on paper carrier and in PDF format on the PPO's Online Services Portal.

Main types of announcements of the Office in the field of trademark information

Both parts of the Polish Patent Office's Official Gazettes (BUP: national trade mark applications and WUP: registered national trademarks and international registrations of trademarks approved in Poland) containing announcements regarding trademarks are forthwith available free of charge in PDF format on the PPO's Online Services Portal (<http://ipu.uprp.pl/portal/web/guest/publikacje>).

In 2009, there were 14 156 announcements on trademark applications and 10 740 announcements on registered trademarks.

Announcements regarding non-procedural matters, but coupled with the Office's activity like: general information on the PPO's tasks, references, organizational structure, HR matters are published on the Internet version of "Biuletyn Informacji Publicznej" which falls under the official PPO's web site. Many non-regular, important announcements are immediately published within the content of the web site.

Mass storage media and microforms used

Online filled trademark applications are immediately directed to the electronic treatment and dissemination. Paper cases are turned into electronic files. Although paper has a gradual decrease as a carrier, paper files are also kept for each application.

Word processing and office automation

Word processing is carried out using MS 2007 Office and the MS Windows XP is commonly used.

All examiners have access to the internal and external on-line data bases.

All staff has access to the Internet and Intranet and enjoys the MS 2007 Outlook variety of facilities through the networked PCs which are connected to a local area network.

The public reading-room was equipped with terminals and 24-inch monitors, and the Office's conference and training rooms were furnished with modern audiovisual means.

The online filings in the online system were introduced, enabling the electronic trademark filings under the national procedure.

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

The constantly modernized publication system enables production of the Office's publications on its own. The publishing process is based on the DTP system and covers preparation of data contained in the Office's databases, text editing in MS Word programme and picture processing in Adobe Photoshop CS. Final typesetting is made in InDesign 3.0 programme. Printing is performed on the offset machine and digital reproducer. The text of patent specifications is scanned in OCR technique and pictures are scanned in Adobe Photoshop programme. Then, the text is combined with the pictures and the first page with bibliographic data. Finally, the patent specification is proof-read and printed in Ms Word programme. Printing is performed on the digital reproducer.

URLs of web pages of the Office's website that provide access to online trademark gazettes and to other sources of trademark information, including download of bulk trademark data

-Online Services Portal with access to official gazettes, classifications (Nice, Vienna), e-filings and patent attorney's directory: <http://ipu.uprp.pl>

-IP information on trademarks: <http://www.uprp.pl/English/PPOs+databases>

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 indicate 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 Polish Patent Office uses the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) 9th edition as well as the International Classification of the Figurative Elements of Marks (Vienna Classification) 6th edition. During the procedure, the Office's staff amends goods and services classes.

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

Checking the classification symbols is possible through the Online Services Portal of the PPO and also through the OHIM's EUROCLASS resources.

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

Applicants should classify the goods and services properly, there is no obligation for applicants to use pre-defined terms. For figurative marks the PPO uses the Vienna Classification system.

Bibliographic data and processing

The trade mark's bibliographic data is processed within procedural tasks and obligations and is afterwards utilized in many PPO's activities including the in-house searches, decision makings, exchange and dissemination, among others.

IV. Trademark manual search file establishment and upkeep

File Building

A paper file is kept for each trademark application. Information is stored on our internal databases and within the file.

Updating

- Published trade mark applications on search systems are updated fortnightly (applications are disclosed after 3 month-period following the date of filing).
- Registered trade marks on search systems are updated monthly.

Storage, including mass storage media

The Office uses mass storage media: hard disks, disk arrays, CD-ROMs, DVDs, paper (until complete replacement by the electronic storage).

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

Community Trade Marks and WIPO resources are considered, thus the CTM-Online system and the ROMARIN system are respectively consulted.

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

The Office uses ACSEPTO - the primary search and examination system for trade marks - a tool that integrates many types of IT resources to conduct searches of trade marks.

The Office has its own internal search and retrieval systems: MARPOL, MARMAD, CTM SEARCH REPORTS and TULIPAN with access restricted exclusively to examiners. The systems offer procedural data concerning national trade marks (MARPOL), regional trade marks (CTM SEARCH REPORTS) and international trade marks (MARMAD) in the course of the whole procedure.

External databases

Both the Office's web site and the Online Services Portal offer facilities for accessing Polish trademarks and designations to Poland made through the Madrid Protocol. Functionality is offered to customers to receive periodic information, information on procedure and fees and procedural information from the PPO's data bases. Links to statutory searches within procedure data bases including ROMARIN (WIPO), MADRID EXPRESS (WIPO), CTM Online (OHIM), EUROCLASS (OHIM), TMVIEW (OHIM) and the INN (WHO) among others are provided. Commercial search services are offered by Austrian Patent Office and Hungarian Patent Office through the CETMOS Project (details at <http://www.cetmos.eu>), for which our Office prepares search reports, and for OHIM through the CTM Search Report System. The Office's web site is linked to WIPO trade mark and OHIM trade mark online search facilities.

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

Register and legal status information is kept on paper, but the electronic register is foreseen to be launched in 2010.

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

-Completion of the virtualization servers and personal workstations based on the blade-type servers, running under VMware ESX Server, centrally administrated by the Virtual Centre Server. . All, recently deployed servers were at once installed in the virtual environment. The virtualization software was upgraded to the newest version of vSphere. Concomitant with the task, the disk space for data within SAN disk-array subsystem was considerably increased.

-Workstations run under Windows XP environments, and server's operational systems are Microsoft Windows Server 2003, SUSE Linux Enterprise Server 10 and Debian 5 GNU/Linux. The SAN mass storage network was configured in order to make disk-arrays available to the computing systems. All of workstations are secured by McAfee antivirus and antispam system. All network connections are based on CISCO and Alcatel equipment with 20 Mb access to the Internet.

Server infrastructure for the Online Portal includes 9 application servers; 5 database servers; 10 TB build-up array; back-ups for Tivoli Storage Management, Fujitsu FI-5900C scanner, 125 packages for the purposes of qualified signatures. On-Line Portal servers are supported by local UPSs and they are also hooked to Main power supply unit for the PPO.

-Back office hardware located in secured/zoned Data Centre with fire alarm and CTV system, redundant air-conditioning and technical floor.

-Modernization of the software edge firewall. In 2009, a new version of ISA Firewall server was installed - the system responsible for the inside and outside our network traffic. In 2010, we are going to follow through the task and install upgraded version of Microsoft Forefront Threat Management Gateway which has new jobs in protection and inspection of malicious software from infected systems.

VI. Administration of trademark information products and 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)

The PPO's registry extracts are available to every person who applies for such a registry and pays the required fee.

As for the official publications containing trade mark information, they are available at the Office's library and on the Internet through the Online Services Portal of the PPO:

- in "Biuletyn Urzedu Patentowego" (first level Official Gazette)
- in "Wiadomosci Urzedu Patentowego" (second level Official Gazette)

The PPO data base was rendered accessible for the outside users from many workstations installed in the Office's library to perform retrievals.

This data base is accessible from the user's computer via the Internet.

Trade mark information services for users were performed by the Information Unit of the Office and at the library where customers may obtain assistance within procedural information and the retrieval and searching techniques.

Excerpts, duplicates and certificates officially confirming the specified entries in the trade mark register were delivered under payment on user's demand.

Planning, administration, automation, security

Applications for trademarks registration can be made electronically, by post, by fax or in person at the Office's premises. Both paper and electronic collections are located in our main building and are therefore secure.

Collection management, preservation

Collections are regularly fed in a persisting and electronic mode, and preserved accordingly.

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)

-The Office continues to offer its services on trademarks via Online Services Portal at: <http://ipu.uprp.pl> .

-Data bases: <http://www.uprp.pl/English/PPOs+databases>

-Nice and Vienna classifications are continually offered at: <http://ipu.uprp.pl/>

URLs of web pages of the Office's website for electronic filing of trademark applications

<http://ipu.uprp.pl>

URLs of web pages of the Office's website that provide information on business procedures such as: filing, publication, examination and registration procedures related to trademarks; opposition and appeal procedures related to trademarks; etc.

Information on filings, post-registration procedure, opposition and appeal procedures, etc. are in details described within specific sections of our web site which is also linked to our search services and data bases.

<http://www.uprp.pl>

Variety of guides and other information materials are offered in PDF format through the Office web site.

URLs of web pages of the Office's website that provide a description of information products and services offered by the Office (e.g., trademark search service(s) and trademark databases), as well as information on how to access and utilize them

Description of information products and services is announced in relevant parts of our web site, and users are then directed to our services where the description continues, either in editorial part, or in help files. See also information directly above.

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

n/a

Exchange of machine-readable information

Community Trade Mark information is downloaded using the XML data which is then passed to our search systems.

XML trade mark files are downloaded from WIPO and are also passed to our search systems.

VIII. Matters concerning education and training, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

In 2009, within industrial property protection the PPO organised or participated in the following events:

- Conference "Women's Economic Development, Creativity and Innovativeness" organized in Warsaw by the Patent Office in cooperation, with WIPO, among others;
- Annual "Scientific Picnic" of the Bis Radio in Warsaw (promotional stand);
- International Fairs in Poznan (promotional stand);
- Inter-regional Symposium on Teaching Intellectual Property in Universities in Countries in Transition;
- 5th International Symposium "Industrial Property in Innovative Economy";
- 9th National Educational Forum for Small and Medium-Sized Enterprises in Warsaw entitled "Support for Small and Medium-Sized Enterprises at the Time of Economic Slow Down" organized under the auspices of the Ministry of Economy (promotional stand);
- International conference entitled "Market of Medications and Intellectual Property Protection" organized in the framework of the World Intellectual Property Day celebrations with participation of WIPO among others;
- XVII International Exhibition of Defence Industry in Kielce (informational - promotional stand);
- Innovation Fairs in Maopolskie Region for Business held in Kraków (informational - promotional stand);
- VIII Cooperation Fair of New Technologies of Swietokrzyskie- ecoINNOVATIONS" (informational - promotional stand);
- Fairs of Industrial Technology, Science and Innovation "Technicon Innovations 2009" in Gdansk (informational - promotional stand);
- Ceremony of prize award in the 6th edition of the competition for the best artistic poster as well as postdoctoral, doctoral, master's and student's theses on the subject of industrial property organized by the Patent Office.

Within the scope of promotional activities the Polish Patent Office took part in the IPEuropAware project which is part of the EU Framework Programme "Competitiveness and Innovation - 2007-2013". The following promotional activities, to name a few, were completed:

- information about Poland's IP were available online on the project's site: www.innovacess.eu,
 - two seminars entitled "How to Protect Intellectual and Industrial Property" promoting the project, held in Bydgoszcz and Bialystok.
 - Signposting directory was developed in English, including contact data of entities in the scope of intellectual property
 - a brochure was prepared promoting the project in the number of 500 copies for distribution among Small and Medium-Sized Enterprises
- In the scope of advertising activities in cooperation with OHIM, EPO and Polish Chamber of Commerce, the Office published a set of brochures entitled: "Trademarks in small and medium-sized enterprises", "Patents/Trademarks", to name a few.

Training courses for national and foreign participants

Every year, the Polish Patent Office organises trainings to raise professional skills of its staff.

In 2009, after completing two-year training, 15 Office's employees obtained examiner's qualifications and 23 employees, who completed their training and passed the qualifying examinations, obtained assistant examiner's qualifications.

Additionally, language courses for PPO employees (languages: English, French, German, Spanish, Italian) were organised.

Within the framework of the training program for assistant examiners, and for newly recruited civil service members, 5 lectures for 150 participants were given on industrial property law and responsibilities of the PPO.

Moreover, staff members benefited from many specialist training courses organised by professional educational centres such as: National School of Public Administration, Institute of Accountancy and Taxes, Mazovian Voivodeship Centre for Personnel Training to name a few. The subject matter of the trainings included the issues of public procurement, administrative proceedings management, finances, information technologies and labour law.

Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.)

n/a

IX. Other general information related to the Office that is available on the Internet -- URLs of web pages of the Office's website that:

provide information on legislation related to trademarks

Legislation: <http://www.uprp.pl/>

contain the Annual Report of the Office

Annual Reports (the content has both EN and PL versions): <http://www.uprp.pl/>

if necessary, provide further information related to the topics referred to in the current ATR

n/a

provide open source codes related to trademark information systems

n/a

contain trademark-related news regarding the Office

<http://www.uprp.pl> (News)

X. Other relevant matters

In 2009, the incident and assistance managing system to users of our IT system was heavily carried out by the ServiceDesk solution - consistent with the ITIL practice.

The Office's Call Centre is under reconstruction in order to handle questions in a more complex manner.