

CWS/ATR/TM/2020/CZ

Annual Technical Report on Trademark Information Activities in 2020 submitted by Industrial Property Office CZ

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

Statistics: changes in terms of application filings and registrations with respect to previous year; trends or areas experiencing rapid changes

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

	2020	Compared to 2019
National trademark applications	7713	+0 % (7700)
– submitted by domestic applicants	7168	+0 % (7140)
– submitted by foreign application	545	-3 % (560)
International trademarks with designation of CZ according to Madrid Protocol	1507	-22 % (1923)
National trademarks registered	6290	-5 % (6648)
Grant of protection relating to international trademarks	1656	-25 % (2220)

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

In 2020 the average registration procedure time period was 7,2 months from the date of submitting the trademark registration application. This time period includes formal and substantive examination of the applications, technical procedure concerning the preparation for publication, three month statutory time limit for opposition and registration time.

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

Statistics

Since 2000 the Annual Reports and statistics have been available at the Office's website: <https://upv.gov.cz/en/information-sources/publications/annual-reports>

The Bulletin: <https://upv.gov.cz/en/information-sources/ipo-bulletin>

The Office website

Helpdesk: helpdesk@upv.cz

List of news and events: <https://upv.gov.cz/en/news>

Electronic filing of trademark applications: <https://isdv.upv.cz/webapp/epweb.home> Element of proceedings: <https://isdv.upv.cz/webapp/!resdb.rejst.frm>

Legislation related to all IP rights: <https://upv.gov.cz/en/information-sources/legislation>

FAQ: <https://upv.gov.cz/en/ipo-cz/faq>

Search services – trademark databases (IPO CZ, WIPO, EUIPO) (basic search/advanced search): <https://upv.gov.cz/en/information-sources/national-databases/trademark-databases> Use of electronic classification systems to check the classification symbols classified by an applicant and contained in the lists of goods and/or services: <https://upv.gov.cz/en/information-sources/classification-systems>

III. SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

The Office website <https://upv.gov.cz/en> is a rich source of information.

Electronic filing of trademark applications: <https://isdv.upv.cz/webapp/epweb.home>

Element of proceedings: <https://isdv.upv.cz/webapp/!resdb.rejst.frm>

Search service: <https://upv.gov.cz/en/client-services/information-services/search-services>

Fees and payments: <https://upv.gov.cz/en/ip-rights/fees>

Information on business procedure related to trademarks: <https://upv.gov.cz/en/ip-rights/trademarks> Information on Services: <https://upv.gov.cz/en/client-services/information-services>

Publications: <https://upv.gov.cz/en/information-sources/publications>

Trademark databases <https://upv.gov.cz/en/information-sources/national-databases/trademark-databases> Trademark classification systems <https://upv.gov.cz/en/information-sources/classification-systems>

Availability of the application dossier in electronic form

The content of the file (element of proceedings) is available at: <https://isdv.upv.cz/webapp/resdb.rejst.frm>

Matters concerning classifying

Classifications systems: <https://upv.gov.cz/en/information-sources/classification-systems>

Trademark classification systems: <https://upv.gov.cz/en/information-sources/classification-systems>

(i) 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

The 11th edition, version 2020, of the Nice Classification of Goods and Services for the Purposes of the Registration of Marks has been used until the end of 2020.

Every trademark application shall contain a list of goods or services for which the mark is to be registered. Goods and services are listed in a sequence of classes of the Nice Classification and the appropriate number of this classification is mentioned.

The 8th edition of the Vienna Classification of the Figurative Elements of Marks has been used. The harmonized database TMclass (EUIPO) is available.

(ii) Use of electronic classification systems and pre-defined terms of the classification applied

Information on classification system

<https://upv.gov.cz/en/information-sources/classification-systems>

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

To use pre-defined terms of the classification applied is only recommended.

Bibliographic data and processing

Trademarks are searchable by application and registration number, TM wording, name of applicant or holder or licensee, previous holder (for IPO CZ employees only), representative, pledgee (for IPO CZ employees only), Vienna classes, classes of goods and services and names of goods and services, application filing date, priority date, publication and registration date and date of termination of validity. Representation of trademarks is also available in form of a gallery.

Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)

Legislative work on the implementation of European Parliament and Council (EU) Directive 2015/2436 of 16 December 2015, to approximate the laws of the Member States relating to trade marks was finalised in 2018. The amendment to Act No. 441/2003 Coll. On Trade Marks, which came into effect on 1st January 2019, eliminated the requirement of graphic representation of trade marks from the trade mark law. According to the amendment, it is sufficient that the sign applied for is capable of being represented in the Register of Trade marks in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor. Annex No 1 to the Act No. 441/2003 Coll. defines 10 types of trade marks, including those trade marks considered non-traditional (e.g. position, sound, motion, multimedia, holographic marks) and means of their representation. Certain types of trade marks (position, motion) may be accompanied by a description. Also other types of trade mark not covered by any of the 10 defined types of trade marks may be registered if they are represented in any appropriate form utilizing generally available technology if such a form can be clearly, precisely, separately, easily, comprehensibly, durably and objectively represented in the Register for the competent authorities and the public to be able to clearly and precisely determine the subject of protection granted to the trade mark proprietor. The representation of „other“ mark may be also accompanied by a description.

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online - URLs)

Office notices are published weekly in the electronic Official Bulletin of the Industrial Property Office of the Czech Republic. Notices are also published at the Office's website.

Mass storage media used are hard discs, magnetic tapes for backup and paper.

Trademark bulletins of foreign offices in an electronic or paper version are received regularly. WIPO and European Union Trademarks Bulletin are available in electronic version via Internet (new volumes) and in CD/DVD or paper version (previous volumes).

Description of information products and services offered by the Office and how to access and utilize them

The Office's website: <https://upv.gov.cz/en>

Information on Services: <https://upv.gov.cz/en/client-services/information-services/information-and-consultation-centers>

Publications: <https://upv.gov.cz/en/information-sources/publications>

Trademark databases: <https://upv.gov.cz/en/information-sources/national-databases/trademark-databases>

Trademark classification systems: <https://upv.gov.cz/en/information-sources/classification-systems>

Since 2007, there are no official gazettes of the Official Bulletin of IPO CZ produced and published on CDs or in paper versions.

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online, URL), etc.

Publishing, printing, copying techniques

The trademarks information is accessible in the Official Bulletin of the Industrial Property Office of the Czech Republic. Since 2007 this has been published weekly in an electronic form only and the paper version has been discontinued.

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

The Bulletin is published on a weekly basis (updated every Wednesday) instead of the monthly basis as it was before. The files are downloadable free of charge with no prior registration / subscription needed. The information as published is the authentic one for legal purposes. As from No. 1/2000, the Official Bulletin has been available at the web site of the IPO CZ as an electronic document in PDF format. It can be found here: <https://upv.gov.cz/en/information-sources/ipo-bulletin>

The Bulletin contains the following types of announcements:

Survey of the INID codes for identification of bibliographic data

Survey of the chapters

Codes of the states

Refused or partially refused trademark applications before publication

Survey of the published trademark applications

Published trademark applications

Refused or partially refused trademark applications after publication

Rejected oppositions

Survey of the trademark registrations without change in relation to published applications

Registrations of trademarks without change in relation to published applications

Survey of the trademark registrations with change in relation to published applications

Registrations of trademarks with change in relation to published applications

Recording of license contracts concerning trademarks

Recording of license contracts concerning internationally registered trademarks

Trademarks cancelled and declared invalid

Survey of the renewals of trademark registrations

Renewals of trademark registrations

Laps of trademarks due to expiration of the period of protection

Surrender of the right to the trademark

Changes in the wording/reproduction of the trademarks and in the list of goods and services

Changes in the ownership of the trademarks

Changes in the ownership of the trademarks for a part of goods and services

Amendments in the data concerning trademark holders

Excuse of failure to comply with a time limit

Other relevant data and official rectifications

Survey of the published applications of the coloured trademarks

Mass storage media and microforms used

Mass storage media used are hard discs, magnetic tapes for backup, and physical original in paper version.

Word processing and office automation

Trademarks are searchable in the public database. It provides a range of search options including application and registration number, TM wording, name of applicant or holder or licensee, Vienna classes, classes of goods and services and list of goods and services, application filing date, priority date, publication and registration date and date of termination of validity. Representation of trademarks is also available in form of a gallery. The public database is updated daily and automatically from the database of the IPO. The public database contains trademarks (IPO CZ, EUIPO, WIPO-CZ, WIPO-EU) valid in the Czech Republic.

Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

The Office's Examiners have access to:

- Internal SyPP database – contains all the files of national applications/trademarks
- Internal database of trademarks (applications and registered trademarks) including all trademarks with effect for the Czech Republic
- EUIPO eSearch Plus and TMView tools
- Other external public databases: <https://upv.gov.cz/en/information-sources/foreign-databases/trademark-databases>

Other sources

Access to online trademark bulletin and to other sources of trademark information, including download of bulk trademark data

The Official Bulletin URL

<https://upv.gov.cz/en/information-sources/ipo-bulletin>

The public database URL:

<https://upv.gov.cz/en/information-sources/national-databases/trademark-databases>

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

Within the Office, there are several obeyed, maintained and improved business management systems:

- ISO 9001 – QMS (Quality Management System) helps to assure a constant level of quality of services provided by the Office
- ISO14001 – EMS (Environmental Management System) is used to help organizations (a) minimize how their operations (processes, etc.) negatively affect the environment (i.e., cause adverse changes to air, water, or land); (b) comply with applicable laws, regulations, and other environmentally oriented requirements, and (c) continually improve in the above.
- ISO 27001 – ISMS (Information Security Management System) specifies a management system that is intended to bring information security under explicit management control. Fields of concerns are Security policy, Asset management, human resources security, access control, incident management system etc.
- OHSAS 18001 – (Occupational Health and Safety Advisory System) helps companies to propose and implement precautions that, wherever possible, remove, reduce risks or isolate employees from them in a workplace. In case this is not possible, working activities have to be planned and managed through organizational precautions so that employees' performance is safe and healthy.

The business process management system (BPMS) internally named ADONIS that describes the office's processes flow structure is also deployed, maintained and improved. Each employee can find information on organizational structure, valid laws, rules and other documents, available applications, databases and information systems.

Hardware used to supporting business processes of the Office

Workstations - HP, processor Core I3 and Core I5, RAM 4- 16 GB, HDD 160 - 500 GB. 300 workstations (aprox. 60 laptops, 240 desktops) connected in the Office network are of the Office staff direct service. Thereof 50 computers connected in the Office network are intended for the clients of the Office and staff training. MS OFFICE – 2013/2016 and Office 365 software. The Office uses CD, DVD and magnetic tapes as data mediums.

Internal databases: coverage, updates, interlinks with external sources

In-house systems (online/offline)

The Office maintains an in-house search database of all trademark applications and registered trademarks with effect for the Czech Republic (national, EU, WIPO). The database is not accessible to the public, but its structure corresponds to the public database.

External databases

The Office provides free access to the database comprising the data concerning not only the Czech national trademarks but also the international trademarks (applied for or registered) valid in the territory of the Czech Republic or EU, WIPO – 6ter and the European Union trademarks applied for or registered by EUIPO at the IPO CZ website <https://upv.gov.cz/en/information-sources/national-databases/trademark-databases>

The Office and users can also perform searches in the publicly accessible databases provided freely on the Internet by the other national offices. The Office also regularly uses the eSearch plus database and TMview database (both maintained by EUIPO) and the Madrid Monitor database (maintained by WIPO) which contains the international trademarks. Other national databases provided freely on the Internet are used as well. The links to these databases are provided at the Office's web site (<https://upv.gov.cz/en/ipo-cz>)

Last but not least the commercial database Corsearch (Wolters Kluwer) is used by the Office under contract and the access is paid.

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

Since 1996 a paper search file has neither been maintained nor used. Since January 2014, the IPO has been currently using "SyPP", version 2.0, (industrial property rights system) automation system for trademarks for file building. Public databases are updated automatically only. Trademark register is kept in an electronic form only.

The Office uses the internal information system SYPP2 (starting from January 2014) to proceed the applications of patents, supplementary patent certificates, utility models, industrial designs, trademarks and appellations of origin/geographical indications. The system has been developed since 2011 as a major upgrade of previous version SYPP which was used from 2004 until 2013. The new application is more flexible, based on Oracle Forms with easier maintaining and more flexible data structure. Data is stored in xml format including the history. The system is also more user-friendly. System is connected with central registers of the Czech Republic (ISZR). The project was co-financed by the European fund for regional development within the EU project Enforcement of Industrial Property Rights. The system enables to maintain official registers of all the industrial property rights. Furthermore, it archives all incoming and outgoing communications of the Office, provides the information on the state of proceeding, legal status of registrations and statistical data. The Document Management System (DMS) is integrated as well. The system also processes international trademarks with designation of the Czech Republic and international trademark applications, where the IPO is office of origin pursuant to Madrid Agreement and Madrid Protocol. The data are transferred to the electronic Office's Bulletin and to the databases. The current version of on-line filing system was launched in 2017 and is based on a web application. This system has replaced the previous application which was based on pdf forms. Starting from January 2018, the system produces automatic electronic extracts from registers upon online request. In 2018 the system was adjusted in connection with amendment to Act No. 441/2003 Coll. On Trade Marks which came into force on 1st January 2019. E.g. functions for work with non-traditional trademarks have been introduced. Further changes to the system have been deployed in 2020.

In 2020, IPO CZ launched a new website using unified design „DesignSystem GOV.CZ“ for state administration bodies. The website is available at domain upv.gov.cz, the former domain www.upv.cz still works and redirects the requests to the new one.

Administrative management electronic systems (register, legal status, statistics, and administrative support)

Planning, administration, automation, security

Applications for trademark registrations can be filed by post, in person, via data box (an upload up to 20 MB) or electronically (with electronic signature an upload up to 100 MB) to the Office. A wide range of other communications may be submitted electronically via a user-friendly interface (an upload up to 100 MB).

Bibliographic details of applications are entered into SyPP2 manually if the application is filed in paper form or automatically if the application is filed via the online filing facility. The applicants receive confirmation of filing via post upon their request or electronically if application is filed online. The application file can be inspected after publishing the registration via the Office's web site <https://isdv.upv.cz/webapp/!resdb.rejst.frm>

Collection management, preservation

Extended safety is secured via SSL.

Backing up of data changes is done twice a week. Full back up of data is on weekly basis. Backed up files are preserved for 4 weeks.

Information services available to the public

The information centre and the helpdesk operate during the working days. They provide general information concerning the industrial property rights.

Trademark information services for the public are provided within the information centre, in the public reading room, common questions can be addressed to the helpdesk (helpdesk@upv.cz) and search requests and orders to the search section (objednavky@upv.cz). The Office received a total of 62 trademark search requests in 2020. A total of 2725 searches (for patents, designs, trademarks) were provided for the State administrative bodies.

The Office provides a full range of brochures and leaflets free of charge. They can be downloaded in PDF format from the Office's web site, taken in the office headquarters or sent upon request. The Office publishes its own books and the Industrial Property Journal (4 issues per year) reflecting the current issues of IP rights (both in paper and electronic versions, <https://upv.gov.cz/informacni-zdroje/publikace/casopis-prumyslove-vlastnictvi>).

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF TRADEMARK INFORMATION

Office's library (if deals with trademark information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

Patent library stores the trademark bulletins collection (Czech and foreign bulletins). Information about trademarks valid in the territory of the Czech Republic is accessible via public database. The database can be consulted in the public reading room equipped with PC workstations which are available for visitors.

The Office cooperates with Regional Patent Information Centres (PATLIBs) on information product dissemination.

Publications related to different business procedures and trademark information sources available to users, for example, books, brochures, Internet publications, etc.

The Office provides a full range of all IP rights dedicated brochures, leaflets and guides free of charge. They can be downloaded in PDF format from the Office's website <https://upv.gov.cz/en/information-sources/publications/information-brochures>, picked up in the Office headquarters or sent upon request. All the materials are distributed to visitors during fairs. The Office publishes its own books.

The Industrial Property Journal reflecting the current issues of IP rights is published four times a year (both in paper and electronic versions).

Cooperation with universities, technology and innovation support centers, etc.

The IPO CZ cooperates with several universities. There are seminars and educational activities (various topics) for students and academic staff organized in Office's premises or in university headquarters. University students are also regularly invited for excursions and guided tours in the Office's premises.

Online lectures were held at a number of innovation, technology and PATLIB centres.

Education and training: training courses, e-learning modules (URLs), seminars, exhibitions, etc.

The Office presented its information activities and products at the following exhibitions and trade fairs:

The Office presented its information activities, information and educational products at the following exhibitions and trade fairs:

- Stechy Praha (Prague CZ)
- Stechy Praha (Prague CZ)
- Online Science Fair (Prague, CZ)
- For Interior 2020 (Prague, CZ)

Training courses for national and foreign participants

The IPO CZ regularly organizes a wide range of training courses and seminars - such as Trademarks - Reform of Trade Mark Law and New Types of Trade Marks, National and International Legal Protection, Searches in the National and Foreign Trademark Databases, IP Protection and National (CZ) and International Systems of IP Protection, Intellectual Property Protection in Business (SMEs), Enforcement of Intellectual Rights, IP Jurisdiction (administrative and judicial issues). All the educational activities are organized for the public, mainly for students, academic staff of universities, representatives of SMEs or research institutions and IP professionals.

In total, IPO CZ gave nearly 50 lectures in 2020, most of them online.

Every year, a two-year distance learning study of industrial property rights begins within the Industrial Property Training Institute – Office's own educational facility.

The Office cooperates with EUIPO Academy on providing training and education.

Other activities

The IPO CZ continued its activities for children and youth (elementary school pupils and secondary school students). The Office offers to them short training sessions on industrial rights, guided tours to the Office's headquarters and an example search in patent databases, as well as courses for teachers interested in adding the topic of industrial rights to their curricula. A special section for youth is maintained on the IPO CZ website. The leaflets and comics on the topics of patents, trademarks, industrial designs and copyright can be downloaded in this section. All the materials mentioned are also available for children and youth during their excursions to the IPO CZ or during the fairs and exhibitions. The e-learning course on industrial property for elementary and secondary school students was maintained. The course acquaints young people with the principles or individual institutes of industrial property rights protection in an entertaining way. The IPO also kept on cooperating with the RVP. CZ Methodological Portal, operated by the National Institute for Education to support teachers.

In cooperation with the Educational Institute of the Central Bohemia Region, the Office gained accreditation from the Ministry of Education, Youth and Sports of the Czech Republic for a course for teachers titled Industrial Property and How to Teach It. The course will especially be offered to primary and secondary school teachers as part of their lifelong learning. The IPO CZ worked with other partners on projects which popularize technical fields and motivates students of elementary schools toward technical education. It carried out searches on students' ideas and issued them search reports.

The IPO CZ presented itself at the Veletrh vdy [Science Fair] in 2020. This event, aimed at students and pupils of primary and secondary schools, intends to support their interest in science, technology and the study of technical fields, and is organised annually by the Czech Academy of Sciences, this time online.

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

International exchange of trademark information in machine-readable form (e.g., Official Gazettes)

The Official Bulletin of the Industrial Property Office of the Czech Republic has been published exclusively electronically since the beginning 2007. The Official Bulletin is published on a weekly basis (updated every Wednesday) instead of the monthly basis as before. The paper version was discontinued.

Electronic version of the Official Bulletin has been available since 2000 (Czech version, English version has been available since 2007) and accessible at the Office's web site:

<https://upv.gov.cz/informacni-zdroje/vestnik-upv> (Czech version)

Participation in international or regional activities and projects related to trademark information

The Office continued its cooperation with the European Union Intellectual Property Office (EUIPO) and took part in a number of multilateral projects. The IPO CZ has been included in a group of so-called harmonized project in the TMclass – Harmonized Database of Products and Services project. The complete TMclass database for classifying products and services has been made accessible to users in the Czech language. The IPO CZ was also participating in the TMview project, which has as its goal to provide users with free-of-charge access to information on trademarks valid in the European Union and other participating countries through a unified search interface.

Assistance to developing countries

At the request of foreign IPOs (or WIPO) the Office offers study visits for their staff members.

Other activities

The IPO CZ continued to fulfill responsibilities resulting from the Czech Republic's membership in the European Union especially related to the area of industrial property protection. It participated in the meetings of the EU Council Working Group on Intellectual Property.

IPO CZ actively participated in a number of multilateral projects aimed at harmonizing the activities of national IPOs and the system of EU trademarks. These projects are especially focused on quality of services, provision of information to users and raising awareness of the importance of legal protection of trademarks. The IPO CZ actively participated in projects aimed at harmonizing the practice of national offices, the quality of services, provision of information to users and on search tools and databases (eSearch Plus, TMview, TMclass).

The Office was continuing in the system of national searches for the identity and similarity of EU trade mark applications with earlier marks valid in the Czech Republic. In 2020, 438 searches were processed for EUIPO. The Office continued its cooperation with the EUIPO as a part of the Language Check option project. In 2020, the Office examined more than 158 000 EU trade mark applications in order to find out whether their verbal element has any meaning in Czech language.

As a part of the Academy eLearning Portal project, three educational videos were recorded, two of them were dedicated to the topics of objections in trade mark cases and cancellation and declaration of trade mark invalidity, (one was recorded on the topic of cancellation of an industrial design). All these and other videos are available on the Office's YouTube channel. Since 2019, the updated version of the Common Communication on the representation of new types of trade marks, has been applied by the IPO as the respective amendment of the Act on Trademarks eliminating the graphical representation requirement from the definition of trade mark came into effect on 1st January 2019.

In addition to the aforementioned, in 2020 the IPO CZ, other EU Intellectual Property Offices, the EUIPO and the European Commission continued work on convergence practices (ECP4), in particular focusing on CP8 (Use of a Trade Mark in a form differing from the one registered), CP9 (Distinctiveness of shape marks containing other elements when the shape itself is non-distinctive) and CP11 (New types of marks: examination of formal requirements and grounds for refusal) projects. A Common Communication on Distinctiveness of Three-dimensional Trade Marks Containing Verbal and/or Figurative Elements when the Shape is not Distinctive itself was published in April 2020; a Common Communication on Use of a Trade Mark in a form Differing from the One Registered was published in October 2020.