

CWS/ATR/TM/2022/CZ

Annual Technical Report on Trademark Information Activities in 2022 submitted by Industrial Property Office CZ

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADE MARK 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

	2022	Compared to 2021
National trade mark applications	6262	-18 % (7669)
– submitted by domestic applicants	5881	-17 % (7109)
– submitted by foreign application	381	-32 % (560)
International trade marks with designation of CZ according to Madrid Protocol	1374	-2 % (1397)
National trade marks registered	5572	-8 % (6049)
Grant of protection relating to international trade marks	1184	-23 % (1534)

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

In 2022 the average registration procedure time period was 7 months from the date of submitting the trade mark 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.gov.cz

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

Electronic filing of trade mark applications: <https://isdv.upv.cz/webapp/epweb.homeElement> 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 – trade mark 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>

II. SERVICES AND ACTIVITIES RELATED TO TRADE MARK 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 trade mark applications: <https://isdv.upv.cz/webapp/epweb.homeElement>

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 trade marks: <https://upv.gov.cz/en/ip-rights/trademarksInformation> on Services: <https://upv.gov.cz/en/client-services/information-services>

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

Trade mark 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>

Trade mark 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 2022, of the Nice Classification of Goods and Services for the Purposes of the Registration of Marks has been used until the end of 2022. The classification is available in the form of interactive application at <https://isdv.upv.cz/webapp!/webapp.hxnices.tridntcs>.

Every trade mark 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

Trade marks are searchable by application and registration numbers, 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 dates and date of termination of validity. Representations of trade marks are 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 TRADE MARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trade mark 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.

Trade mark bulletins of foreign offices in electronic or paper version are received regularly. WIPO and European Union Trade marks 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>

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

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

Main types of announcements of the Office in the field of trade mark information

The Bulletin is published on a weekly basis (updated every Wednesday). 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 website 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 trade mark applications before publication

Survey of the published trade mark applications

Published trade mark applications

Refused or partially refused trade mark applications after publication

Rejected oppositions

Survey of the trade mark registrations without change in relation to published applications

Registrations of trade marks without change in relation to published applications

Survey of the trade mark registrations with change in relation to published applications

Registrations of trade marks with change in relation to published applications

Recording of license contracts concerning trade marks

Recording of license contracts concerning internationally registered trade marks

Trade marks cancelled and declared invalid

Survey of the renewals of trade mark registrations

Renewals of trade mark registrations

Laps of trade marks due to expiration of the period of protection

Surrender of the right to the trade mark

Changes in the wording/reproduction of the trade marks and in the list of goods and services

Changes in the ownership of the trade marks

Changes in the ownership of the trade marks for a part of goods and services

Amendments in the data concerning trade mark holders

Excuse of failure to comply with a time limit

Other relevant data and official rectifications

Survey of the published applications of the coloured trade marks

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

Trade marks are searchable in the public database. It provides a range of search options including application and registration numbers, 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 dates and date of termination of validity. Representations of trade marks are also available in the form of a gallery. The public database is updated daily and automatically from the database of the IPO. The public database contains all trade marks (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/trade marks
- Internal database of trade marks (applications and registered trade marks) including all trade marks 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 trade mark bulletin and to other sources of trade mark information, including download of bulk trade mark 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 TRADE MARK 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 constant level of quality of services provided by the Office
- 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.

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 - 300 HP and Lenovo workstations (approx. 250 laptops, 50 PCs), processor Core I5 and Core I7, RAM 8- 16 GB, HDD 160 - 500 GB. Workstations connected in the Office local network or via VPN. Thereof 50 workstations connected in the Office network are intended for the clients of the Office and staff training. MS OFFICE – 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 trade mark applications and registered trade marks 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 trade marks but also the international trade marks (applied for or registered) valid in the territory of the Czech Republic or EU, WIPO – 6ter and the European Union trade marks 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 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 trade marks. Other national databases provided freely on the internet are used as well. The links to these databases are provided at the Office's website (<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

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, trade marks 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 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 user-friendly. System is connected with central registers of the Czech Republic (ISZR). 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 trade marks with designation of the Czech Republic and international trade mark 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 trade marks have been introduced. Further changes to the system have been deployed in 2021.

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

Planning, administration, automation, security

Applications for trade mark 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 website <https://isdv.upv.cz/webapp/lresdb.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.

Trade mark 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.gov.cz) and search requests and orders to the search section (objednavky@upv.gov.cz). The Office received a total of 63 trade mark search requests in 2022. A total of 3185 searches (for patents, designs, trade marks) 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 published 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 TRADE MARK INFORMATION

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

Patent library stores the trade mark bulletins collection (Czech and foreign bulletins). Information about trade marks 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 IP information dissemination.

Publications related to different business procedures and trade mark 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) <https://upv.gov.cz/informacni-zdroje/publikace/casopis-dusevni-vlastnictvi>.

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

In 2022, the Office continued its expert and teaching cooperation with universities. In addition to pedagogical documentation, IPO CZ offers the possibility of training teachers and holding lectures and discussion seminars for students. These activities took place either onsite or on-line in 2022. Lectures were given, for example, to students of the Prague University of Economics and Business, the University of Chemistry and Technology, Prague, the VSB – Technical University of Ostrava, and the Technical University of Liberec.

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 2022 (Prague, CZ)
- Intarg 2022 (Katowice, Poland)
- For Interior 2022 (Prague, CZ)
- International Engineering Fair (Brno, CZ)

Training courses for national and foreign participants

The IPO CZ regularly organizes a wide range of training courses and seminars - such as Searches in the National and Foreign Trade mark Databases, IP Protection and National (CZ) and International Systems of IP Protection, Intellectual Property Protection in Business (SMEs). 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, more than 50 lectures were presented by Office employees in 2022 (both onsite and 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, trade marks, 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.

The IPO CZ presented itself at the Vdifest [Science Festival] and Veletrh vdy [the Science Fair] in 2022. The Vdifest, 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 House of Children and Youth of the capital Prague, the Czech Technical University and the University of Chemistry and Technology, Prague. Veletrh vdy is organised by the Czech Academy of Sciences [CAS] and it is the largest popular science event in the Czech Republic showing all forms of science. Among exhibitors are individual CAS institutes, universities, innovative companies, and educational institutions presenting their activities.

On World Intellectual Property Day, 26 April 2022, the Office prepared a special website where visitors could watch a performance by *Úžasné divadlo fyziky [the Amazing Theatre of Physics]* on making use of physical phenomena in well-known inventions. Visitors could also view a Czech Academy of Sciences exhibition on Czech scientists and their inventions, and attend the following webinars: The Espacenet database, Intellectual property rights—introduction to copyright, intellectual property rights—introduction to industrial property rights. Visitors to the website could also watch videos devoted to individual types of industrial property rights, and materials and games were available for download on the topics of intellectual property rights and industrial property rights.

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADE MARK INFORMATION

International exchange of trade mark 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 website:

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

<https://upv.gov.cz/en/information-sources/ipo-bulletin> (English version)

Participation in international or regional activities and projects related to trade mark information

The Office continued its cooperation with the European Union Intellectual Property Office (EUIPO) and took part in a number of multilateral projects especially focused on quality of services, provision of information to users and raising awareness of the importance of trade mark legal protection

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. In the second half of 2022 we took over the presidency from France. CZ PRES managed to achieve a compromise on the entire text of the regulation on the protection of geographical indication for craft and industrial products, and the presidency's objective of approving a general approach, at the Competitiveness Council in December 2022.

IPO CZ actively participated in a number of multilateral projects aimed at harmonizing the activities of national IPOs and the system of EU trade marks. These projects are especially focused on quality of services, provision of information to users and raising awareness of the importance of legal protection of trade marks. 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 2022, 301 searches were processed for EUIPO. The Office continued its cooperation with the EUIPO as a part of the Language Check option project. In 2022, the Office examined nearly 162 000 EU trade mark applications in order to find out whether their verbal element has any meaning in Czech language.

In addition to the aforementioned, in 2022 the IPO CZ, other EU Intellectual Property Offices, the EUIPO and the European Commission continued work on convergence practices (ECP4), in particular focusing on CP13 (Trade Mark Application Made in Bad Faith), CP14 (Trade Marks Contrary to Public Policy and Accepted Principles of Morality) and Maintenance of Common practices projects. In the context of Maintenance of Common practices project, revised versions of CP1 and CP2 Common Communications, CP3 training materials and updated versions of CP3, CP4 and CP5 Common Communications, have been published on the website of the IPO CZ.