

# CWS/ATR/TM/2016/UA

## Annual Technical Report on Trademark Information Activities in 2016 submitted by the Ministry of Economic Development and Trade of Ukraine

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

#### Outline of main policies and plans aimed at development of trademark information activities and expected time frames for their realization

The main documents that determined directions for the development of trademark<sup>[1]</sup> information activities in 2016 were the annual plans of activities of the State Intellectual Property Service of Ukraine<sup>[2]</sup> (SIPS) and the State Enterprise "Ukrainian Intellectual Property Institute" (Ukrpatent) taking into account the Priorities of the State Intellectual Property Service of Ukraine for 2015-2017. The plans contain strategic directions "Patent information support in the sphere of intellectual property and provision of wide public with access to the information related to intellectual property rights acquisition" and "Implementation of modern information technology" which in particular include:

- comprehensive development of the main directions of information support in the sphere of intellectual property;
- introduction of new versions/editions of the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) translated into Ukrainian, creation of information and reference systems that are in free access to the public through the SIPS<sup>[3]</sup> and Ukrpatent web-resources;
- implementation of series of actions aimed at ensuring the continued acquisition of patent information resources of Ukraine with the Official Bulletin "Industrial Property" on CD-ROM;
- elaboration and implementation of series of actions aimed at development of the digital patent library;
- participation in the activities on unification and harmonization of the patent documentation of Ukraine with taking into account the world experience and in accordance with the international standards of the World Intellectual Property Organization (WIPO) and the current legislation of Ukraine.

The Plan of Ukrpatent for 2016 envisaged series of actions aiming at:

- development of the technological automated system for processing of applications for marks for goods and services with regard to provision of the complex information online processing, including electronic exchange with external correspondents;
- development and implementation of public information recourses including information on marks for goods and services;
- development of the IT infrastructure.

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<sup>[1]</sup> The terms "trademark", "mark for goods and services", "mark" are used interchangeably in this text, regardless of whether the registration concerns goods or services.

<sup>[2]</sup> According to the Resolution of the Cabinet of Ministers of Ukraine of May 11, 2017 No. 320 the State Intellectual Property Service of Ukraine ceased to perform its functions to implement the state policy in the sphere of intellectual property as of May 19, 2017: activities related to their implementation are now performed by the Ministry of Economic Development and Trade of Ukraine.

<sup>[3]</sup> The web resource of SIPS was in operation throughout 2016, however, since May 19, 2017 its support has been discontinued and it continues functioning for some period of time for information purpose only.

#### New projects launched or resumed this year in the context of the policies and plans mentioned above, short description: aims, partners, tasks

In 2016 within the framework of the project for upgrading the "Marks for Goods and Services" Automated System (hereinafter – TMAS) a set of tasks which ensured enhancement of the system functionality was implemented.

Among the most important of them are:

- creation of a system for electronic interaction between institutions of the state system of intellectual property legal protection and its integration with the TMAS that ensures the electronic exchange of documents between the examination body and applicants. The expected deadline for commissioning of the system is October 2017.

- implementation of the electronic digital signature in the TMAS framework. In the TMAS, new functions were developed and the existing ones were modernized which ensure, if necessary, applying of electronic digital signatures on electronic documents, storage and sending of documents to an applicant.

Also, pursuant to the government initiatives, the software and hardware complex for formation, publication and regular updating of information on industrial property rights (IPRs) in the form of open data was developed and implemented in 2016. The service is created for carrying out search in the sets of open data of the state registers of IPRs and the State Register of Intellectual Property Representatives (Patent Attorneys). The complex operates in the automatic mode and is available at the web page: <http://opendata.uipv.org>.

#### **Main areas of trademark information activities and related information and communication technology (ICT) practices which were in the focus of attention last year**

Main areas of trademark information activities include examination of marks for goods and services applications, in particular, formation of search databases for internal use at the examination body, performance of searches, publication of information about registered marks in the official bulletin and creating interactive databases and information and reference systems for information service of a wide range of users via the Internet. Publication of information on marks is also provided on optical media.

Examination of applications for marks for goods and services is carried out by means of the TMAS which has full functionality for text processing and management of trademark applications documentation at all the stages from application filing to completing examination and keeping the State Register of Certificates of Ukraine for Marks for Goods and Services.

Information arrays included to the publication of the Official Bulletin "Industrial Property" are formed with the use of automated workstation at the Editorial Department.

The following resources were introduced for information support of the examination procedure:

- the Nice Classification, the 2016 version of the tenth edition (NCL (10-2016)) translated into Ukrainian;
- the Vienna Classification, seventh edition (VCL (7)) translated into Ukrainian.

For access of a wide range of users to the mentioned classifications the following information and reference systems (IRS) were created and put on the Internet (the SIPS and Ukrpatent web-resources):

- IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition, version 2016";
- IRS "Classification of the Figurative Elements of Marks (Vienna Classification). Seventh edition".

In 2016 actions for updating computer and telecommunication equipment, software as well as actions for updating security hardware and software were taken for the purpose of supporting the process of document flow and improvement of the work management conditions at workplaces of specialists of the examination body. Organizational and technical measures for pulling out of operation the outmoded equipment and putting into operation the new computer equipment were carried out.

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

Applications filed (national route):

in 2015 – 24,652, in 2016 – 35,605, i.e. 44.43 % increase with respect to the previous year.

Registered Certificates (national route):

in 2015 – 12,388, in 2016 – 13,618, i.e. 9.93 % increase with respect to the previous year.

From January 1 to December 31, 2016 within the test period of the electronic filing system for IPRs Ukrpatent received 3,230 applications for marks for goods and services (52.50 % increase with respect to the previous year).

In 2016, the highest percentage of applications was filed according to the following classes of the Nice Classification:

Class 35 "Advertising; business management; business administration; office functions" (22.09%);

Class 41 "Education; providing of training; entertainment; sporting and cultural activities" (7.11%);

Class 5 "Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides" (5.80%);

Class 30 "Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastry and confectionery; ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice" (4.72%);

Class 25 "Clothing, footwear, headgear" (4.04%).

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

Annual Reports, statistical information, the Annual Technical Reports of the Office:

[http://sips.gov.ua/en/plans\\_reports.html](http://sips.gov.ua/en/plans_reports.html)

News of the Office on the issues related to trademarks:

<http://sips.gov.ua/en>

<http://ukrpatent.org/en/index.html>

Information on the trademark legislation:

The web-site of the Ministry of Economic Development and Trade of Ukraine

[http://sips.gov.ua/en/normative\\_acts.html](http://sips.gov.ua/en/normative_acts.html)

<http://www.ukrpatent.org/en/legislation.html>

## II. 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

Information on various procedures and sources of information on trademarks for users, in particular, trademark legislation information, services and activities of the Office relating to trademark information, statistical information, etc. is available at the SIPS web-portal (<http://sips.gov.ua/en/index.html>) and on the Ukrpatent web-site (<http://uipv.org/en/index.html>).

Data on information services, including paid services, provided by Ukrpatent, in particular by its Innovations Department, is published on the web-sites of Ukrpatent and the department (<http://iii.ua>).

Information for the users on filing applications for marks for goods and services is presented on the Ukrpatent web-site (<http://ukrpatent.org>).

Information and the means of filing electronic applications are posted in a separate section of the "Electronic Filing" web-site (<http://base.ukrpatent.org/efiling/>).

A software product the "Applicant Off-line Module" was developed and put into operation for drafting application materials on paper. It can be downloaded from the Ukrpatent web-site at <http://base.ukrpatent.org/off-line/>.

Access to online publications, which contain data on trademarks, is provided through the SIPS ([http://sips.gov.ua/en/info\\_resurses.html](http://sips.gov.ua/en/info_resurses.html)) and Ukrpatent (<http://uipv.org/en/bases.html>, <http://uipv.org/en/optic.html>) web-resources.

### Availability of the application dossier in electronic form

All application materials for marks for goods and services (both primary and secondary), regardless of the way they are filed to Ukrpatent (through the electronic filing system, on paper carriers, by email, Fax or other telecommunication networks), automatically or after scanning the paper carriers are entered and stored in the electronic archive of documents and used by technological systems within the pendency of applications.

In 2016 trademark applications made the majority of the total number of electronic applications received by Ukrpatent.

### Matters concerning classifying

**(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**

In the framework of the TMAS and the AS "International Registration of Marks" there functions a program system for verifying classification indexes. This system includes manuals on classification system and common software for performing functions of verifying classification indexes and reclassification.

For classifying in 2016 NCL (10-2016) and VCL (7) translated into Ukrainian were used.

To ensure accuracy of search results during the examination of application for marks for goods and services a revision of search requisite elements (indexes of the Vienna Classification of the Figurative Elements of Marks) regarding their compliance with a new edition of VCL (7) in the TMAS technological databases and the AS "International Registration of Marks" was carried out.

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

In 2016 the following electronic classification systems were used:

- NCL (10-2016) and VCL (7) translated into Ukrainian within the TMAS – for trademark applications examination;

- IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition, version 2016" and IRS "Classification of the Figurative Elements of Marks (Vienna Classification). Seventh edition" – by a wide range of users, primarily applicants (available for free at the SIPS and Ukrpatent web-resources).

When WIPO publishes a new version/edition of the NCL, new version of the current edition translated into Ukrainian is formed by administrative tools for technological automated systems.

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

The TMAS tools provide for processing of sound and color marks.

### **Other activities**

### 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)

Information of the Office concerning trademarks is provided in the following publications (official editions, information products on optical carriers, free electronic DBs and IRSs:

The Official Bulletin "Industrial Property" – a printed periodical edition;

The analogue of the printed edition – the Official Bulletin "Industrial Property" on CD-ROM with search system;

The National CD-ROM "Marks for Goods and Services Registered in Ukraine";

DB "Electronic Version of the Cumulative Official Bulletin "Industrial Property";

DB "Marks for Goods and Services Registered in Ukraine";

DB "Information about Well-Known Marks in Ukraine";

Automated DB of intellectual property of UEFA and its commercial partners (<http://base.ukrpatent.org/searchEURO2012/>);

Interactive DB "Applications for Marks for Goods and Services Accepted for Examination";

IRS "Information on Proceeding State of Applications for Marks for Goods and Services";

IRS "Information on Certificates of Ukraine for Marks for Goods and Services Terminated or Deemed to be Invalid";

IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition, version 2016" (**effective January 1 – December 31, 2016**) (<http://nice102016.uipv.org/>);

IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition, version 2015" (**not effective, for information purposes only**) (<http://nice102015.uipv.org/>);

IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition, version 2014" (**not effective, for information purposes only**) (<http://nice102014.uipv.org/>);

IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition, version 2013" (**not effective, for information purposes only**) (<http://base.ukrpatent.org/mkt10-2/>);

IRS "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). Tenth edition" (**not effective, for information purposes only**) (<http://base.ukrpatent.org/mkt10/>);

IRS "Classification of the Figurative Elements of Marks (Vienna Classification). Seventh edition" (**effective from January 1, 2013**) (<http://base.uipv.org/vienna7/>);

IRS "Classification of the Figurative Elements of Marks (Vienna Classification). Sixth edition" (**not effective, for information purposes only**) (<http://base.uipv.org/vienna6/>).

Information on trademarks is published in Book 2 of the Official Bulletin "Industrial Property" in the following sections: "Information on the issue of certificates of Ukraine for marks for goods and services", "Information on Well-Known Marks in Ukraine", "Information on Marks Registered under the Madrid Agreement Concerning the International registration of Marks and/or the Protocol to the Madrid Agreement Concerning the International registration of Marks, protected in Ukraine", in indexes to each of the sections listed and the section of Notices. Color images of marks for goods and services (if any) are published in the relevant section.

Publications of the Official Bulletin "Industrial Property" include:

- for section "Information on the issue of certificates of Ukraine for marks for goods and services" – bibliographic data, list of goods and services, black-and-white images of marks;

- for section "Information on Well-Known Marks in Ukraine" – information on marks in the scope defined by the Office, list of goods and services, black-and-white images of marks;

- for section "Information on Marks Registered under the Madrid Agreement Concerning the International registration of Marks and/or the Protocol to the Madrid Agreement Concerning the International registration of Marks, protected in Ukraine" – information on marks in the scope defined by the Office, list of goods and services, black-and-white images of marks.

The Official Bulletin "Industrial Property" was issued twice a month – 24 issues of the bulletin were issued during 2016. The Annual Index of the Official Bulletin for the previous, 2015, year was also published.

The National CD-ROM "Marks for Goods and Services Registered in Ukraine" was issued with the same frequency and includes the following information: bibliographic data, images of marks, list of goods and services grouped by the NLC classes.

Publications in electronic information resources include:

- DB "Electronic Version of the Cumulative Official Bulletin "Industrial Property" – information on the issue of certificates of Ukraine for marks for goods and services and information on well-known marks in Ukraine. Moreover, information concerning legal status of certificates (as an extra operational element) is provided in the section "Information on the issue of certificates of Ukraine for marks for goods and services";
- DB "Marks for Goods and Services Registered in Ukraine" – bibliographic data, list of goods and services, images of marks;
- DB "Information on Well-Known Marks in Ukraine" – information on marks in the scope defined by the Office, list of goods and services, images of marks;
- Interactive DB "Applications for Marks for Goods and Services admitted to examination" – information on all applications for marks and services, which are on the stage of qualifying examination (substantive examination).

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

In the section "Notices" of the Official Bulletin "Industrial Property" (printed and electronic edition) with the periodicity of its release announcements in respect of registered marks for goods and services (to the extent provided by the respective applicable Law of Ukraine) are published including information on changes in the information entered into the State register of certificates of Ukraine for marks for goods and services, information on issue of the certificate duplicates, information on modifications due to the correction of errors and other information relating to the registration of certificates of Ukraine for marks for goods and services.

The section also contains publication of changes to information about international registration of marks protected in Ukraine.

The said information is available at [http://sips.gov.ua/en/industrial\\_ownership\\_bulletin.html](http://sips.gov.ua/en/industrial_ownership_bulletin.html) and [http://www.uipv.org/en/of\\_bulletin.html](http://www.uipv.org/en/of_bulletin.html).

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

Information products available to examiners for trademark applications examination (search collection) are determined by the corresponding order of SIPS and, inter alia, include:

- AS "Marks for Goods and Services", database for marks recognized as well-known in Ukraine as well as the AS "Industrial Designs";
- DB "Legislation of Ukraine";
- DB "ROMARIN";
- DB "6ter Express";
- DB "WIPO Gazette of International Marks";
- corresponding state and national classifiers of Ukraine;
- current versions/editions of the Nice and Vienna Classifications;
- information and reference sources mainly in electronic form.

**Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)**

For information support of the wide range of public free access to the information concerning trademarks is provided through the web-portal of SIPS and the web-site of Ukrpatent – see the List of DBs and IRSs above.

Information on registered marks for goods and services is available in the form of open data at the web-page: <http://opendata.uipv.org>.

The Official Bulletin "Industrial Property" on CD-ROM was distributed for free in the framework of updating patent collections of certain organizations of Ukraine by national patent documentation according to the Registries of free-of-charge distribution approved by SIPS.

External users could also purchase the Official Bulletin "Industrial Property" on CD-ROM with a search system and the National CD-ROM "Marks for Goods and Services Registered in Ukraine", the retrospective accumulative optical disc (DVD) "Marks for Goods and Services Registered in Ukraine".

Annual Reports of the Office (in Ukrainian and English), Annual Technical Reports of the Office in Ukrainian, quarterly review "Industrial Property in Figures" which includes basic indicators of the activities of SIPS and Ukrpatent are also accessible for free at the SIPS web-portal and on the web-site of Ukrpatent.

See also part 1 of Section 5 **Promotion activities aimed to support users in access and efficient use of trademark information** for information on services available to external users.

**Legal status information (kind of information, coverage, medium, etc.)**

Information concerning legal status of the registered certificates of Ukraine for marks for goods and services to the extent prescribed by the applicable law of Ukraine is published in the Official Bulletin "Industrial Property" in the section "Notices" both on paper and in electronic form (the CD-ROM "Official Bulletin "Industrial Property" and the DB "Electronic Version of the Cumulative Official Bulletin "Industrial Property").

In addition, such information is provided in the IRS "Information on Certificates of Ukraine for Marks for Goods and Services Deemed to be Invalid or Expired" and (as an extra operational component) in the relevant sections of the DB "Electronic Version of the Cumulative Official Bulletin "Industrial Property" and the DB "Marks for Goods and Services Registered in Ukraine".

**Other sources**

## 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**

Support for processing of applications for marks for goods and services as well as keeping the State Register of Certificates of Ukraine for Marks for Goods and Services is performed by the TMAS.

The TMAS software is built on the Client-Server technology. The structure of the TMAS database allows for storing all bibliographic data and provides extensive search facilities.

The TMAS is integrated with other internal computerized systems in particular with the Central Electronic Documents Archive, the general Electronic Document Management System (EDMS), etc.

In 2016 actions for further upgrading the TMAS were taken, in particular, there were developed new modules and modernized the existing functions and modules which ensure applying the electronic digital signature on electronic documents, their storage and sending to an applicant.

In 2016 actions for updating software of the Fees Division (Fees Accounting IAS) with the possibility for importing to it data, sent through the Client-Bank systems, were taken for the purpose of enhancing the process of document flow and improvement of the work management conditions at workplaces of specialists of the examination body. Integration with other technological systems for enabling examiners to record the paid fees for particular actions relating to applications and continuation of processing has also been carried on.

### **Hardware used to supporting business processes of the Office**

The general network infrastructure consists of the security system, the Checkpoint 5600 NGFW device, which contains the VPN and Firewall modules to communicate with the Internet, and internal router (built in Unix server) to support the internal network. Availability of two firewalls increases the overall security.

The Cisco and HP equipment is used as network switches.

The internal network is divided into ten virtual networks (Vlan).

The network uses the following technical means:

- HP (DL380Gen8, DL380G7, DL380G5), Intel (SE7520JR2, SE7501WV2) servers;
- HP (3Par StoreServ 7200, MSA2040, P2000, MSA2324fc, MSA1000), IBM (ProFibre Storage Array) and Infortrend (EonStor A16F-G2430, EonStor S12F-R1420, EonStor S16F-R1430) information storages;
- SAN network equipment (HP SN3000B, HP SAN Switch 8/24, Qlogic SANbox 5600);
- HP local network equipment (Procurve 2910al-24G, Procurve 2510-48, Procurve 2530-48).

Operating systems and software:

- Windows Server 2012R2, Windows Server 2012, Windows Server 2008R2, Windows Server 2008, Windows Server 2003, Unix operating systems are applied on servers;
- servers virtualization is built on Hyper-V Server 2012 R2 (Microsoft) and VMware ESXi;
- MS SQL 2016, MS SQL 2014, MS SQL 2008R2, MS SQL 2005 are used as database management systems.

Domain structure of the Active Directory (AD) was designed which allows for central managing of all the information resources, including users, computers, files, peripherals, access to services, network resources, websites, databases, etc.

Multiple domain controllers are used to organize the fault-tolerant domain structure.

The WSUS server provides updating of the servers and client computers operational systems.

The anti-virus server "Eset Endpoint Antivirus" provides the centralized control of all anti-virus programs on the user computers, anti-virus databases updates, report generation on database updates and existing threats.

The Microsoft software product – System Center Data Protection Manager (DPM) – which provides continuous data protection for reliable recovery of Windows servers is used for data backup. The plan of all servers and services upgrading after a failure was adjusted.

Measures for the IT infrastructure improvement were aimed at building a fault-tolerant core of the computer network, increase of its capacity, security and manageability, replacement of obsolete hardware infrastructure components, consolidation and virtualization of servers. Virtualization servers are combined into clusters providing high availability of all systems.

Series of actions were introduced to ensure compliance of the IT infrastructure with requirements of the complex information security system. Security feature is enabled at the network switch ports, making it impossible to connect unauthorized devices to the corporate network. Changes are introduced to the password policy that meets safety requirements. Two-factor user authentication system was implemented and is based on hardware-software device for generation and verification of digital signatures. To manage network equipment, information storages and SAN switches a secure HTTPS protocol and the SSH application layer network protocol were introduced.

In general, the corporate network consists of 600 PCs, 28 physical and 42 virtual servers, 10 information storages and commutation equipment.

Connection to the Internet for search and browsing of information was implemented for information systems users.

### **Internal databases: coverage, updates, interlinks with external sources**

Data from a number of sources (internal and external) are used while carrying out examination of applications for marks for goods and services. Data from external sources are automatically downloaded to the integrated search system.

#### **TMAS Database**

Replenished with information on applications and registered certificates of marks for goods and services (national route). Updating of the database is performed while processing applications and within maintenance of the State Register.

#### **International Trademark Registrations Database**

Updated in batch mode, loaded from the WIPO web-site (<ftp://ftpird.wipo.int/wipo/madrid/romarin/> and <ftp://ftpird.wipo.int/wipo/madrid/notif/ua/>), stored in the international registrations database.

#### **Emblems and Flags (6ter) Database**

Updated in batch mode, loaded from the WIPO web-site (<ftp://ftpird.wipo.int/wipo/6ter/>), stored in the TMAS database.

#### **Industrial Designs AS Database**

Extended and updated in the process of examination procedure and keeping the State Register by the users of the Industrial Designs AS.

#### **International Industrial Design Registrations Database**

Information on international registration of industrial designs in batches is once a day loaded from the WIPO web-site (<ftp://ftpird.wipo.int/wipo/hague/>) and stored in the database of international industrial design registrations.

#### **Database for Well-Known Marks in Ukraine**

It is updated after publication of information on marks recognized as well-known.

#### **Database for Qualified Designations of Origin of Products**

#### **Central Electronic Documents Archive Database**

It provides for storage of documents and their attributes in electronic form.

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

Information on the structure (content) of electronic search file for trademarks is presented in "**Information products (coverage, medium, etc.) available to examiners, including external documentation and databases.**"

Information on electronic search file updates is presented in "**Internal databases: coverage, updates, interlinks with external sources**".

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

Administrative support is provided by built-in control tools of DBMS SQL Server 2005.

#### **Other matters**

## **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**

In order to satisfy public needs for patent information in Ukraine, the Public Patent Documentation Collection (PPDC) functions within the structure of the Innovations Department of Ukrpatent (Innovations Department). The PPDC is the most comprehensive patent library in Ukraine available to the public (intellectual property office library).

International exchange with foreign patent offices has been the main source of foreign industrial property documentation of the PPDC, including information on trademarks, over extended periods of time. Such international cooperation allowed accumulating a considerable amount of current and retrospective foreign patent documentation, in particular, official bulletins from 44 countries with information on trademarks.

During 2016 the PPDC was updated with current national and foreign documentation in the sphere of industrial property mainly on optical disks, in particular, official bulletins.

The PPDC provided for possibility to get information on trademarks published in the Official Bulletin "Industrial Property" (Book 2) on paper /electronic carriers as well as official bulletins of foreign Offices.

For visitors a free access to the PPDC materials was provided in the reading room. The customers' work with foreign funds of documentations, available at the PPDC on optical media, is carried out together with consultants of Innovations Department.

In 2016 the PPDC was attended by 200 users, 11% of which were legal entities and 89% – individuals.

Information concerning the contents of the PPDC and its quarterly updates was published in the "Information resources" section at the web-portal of SIPS ([http://sips.gov.ua/en/document\\_fund.html](http://sips.gov.ua/en/document_fund.html)), on the web-sites of Ukrpatent ([http://www.uipv.org/en/fond\\_fkg.html](http://www.uipv.org/en/fond_fkg.html)) and its Innovations Department (<http://iii.ua/uk/fond-patentnoyi-dokumentaciyi-gromadskogo-koristuvannya>).



Proper storage of the PPDC documents meeting specified requirements and guaranteeing their safety was ensured during 2016.

The PPDC is located in the premises of the Innovations Department in three specially adapted and equipped areas (two depositaries with the total area of 81 sq. m. and a reading room of 40 sq. m.). The PPDC is equipped with 12 up-to-date computers with appropriate licensed software, as well as scanners, printers and xerographic copying machines.

To enable users to make online access to the electronic patent information resources, such as the Digital Patent Library, the Internet access based on Wi-Fi technology was provided in addition to the traditional Internet access for user convenience.

The Innovations Department provided, including on the PPDC basis (intellectual property office library), all necessary consultations as well as services both paid and on free of charge basis.

Consultations were provided on a free-of-charge basis concerning better ways to carry out information search, documentation search on CD-ROMs and in distant databases via the Internet, etc.

The Innovations Department also provided commercial services, including carrying out different types of search of information and documentation.

In 2016, the following commercial services related to trademarks were provided:

- 131 consultations on regularity of preparing application materials for registration of a mark for goods and services – the most common issue is a preliminary decision on compliance of a claimed mark with terms of granting legal protection based on results of information searches in databases of registered marks for similarity and identity (about 1,600 of such consultations over the year);
- 316 consultations in the form of guidelines on preparing application materials for registration of a mark for goods and services;
- 6,889 searches for similarity and identity of marks;
- 220 title (firm) searches as for all IPRs, including trademarks, upon requests of arbitration managers and liquidators of enterprises in default;
- 25 monitorings as for owners and clients;
- 16 sets of materials for filing trademark applications for international registration.

Consultations on granting legal protection, exercise, infringement and protection of all IPRs is considered to be the most popular service. The most common issues are those related to the procedure of obtaining legal protection to IPRs, including trademarks. More than 27,000 of such consultations were provided by telephone for the whole year. Individual reception of 1,564 applicants took place.

Information on paid services provided by Ukrpatent, in particular, by its Innovations Department is published on the web-site of Ukrpatent and the department (<http://iii.ua/uk>).

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

Information on trademarks is published in Annual Reports and Annual Technical Reports of the Office available at the SIPS web-portal. Statistics on trademarks is also published in quarterly issues of the Internet review "Industrial Property in Figures" which includes basic indicators of the activities of SIPS and Ukrpatent and is accessible for free at the SIPS web-portal and on the Ukrpatent web-site.

Methodological recommendations on certain matters relating to trademark applications examination are available on the Ukrpatent web-site.

Periodicals, e.g. scientific and practical magazine "Intellectual Property in Ukraine", which is distributed as paper and electronic edition over the territory of Ukraine (by subscription), publish articles (including by the SIPS and Ukrpatent specialists) on various matters and in particular relating to legal protection of trademarks. Printed edition of the magazine is available for free at the PPDC of the Innovations Department of Ukrpatent.

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

Over the reporting year, with the purpose of updating patent collections of certain state and national libraries, bodies of national system of scientific and technical information and universities, departments of which are entrusted with the appropriate information functions, the Official Bulletin "Industrial Property" on CD-ROM was sent free of charge to the specified and some other organizations of Ukraine.

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

Significant attention was paid to the skills upgrading of experts of the state system of intellectual property legal protection.

During the past year, as the part of experience sharing, training and skills upgrading, officials of the state IP rights protection system participated in numerous events arranged by international organizations, governments and foreign IP offices, studied at the higher educational institution – the Intellectual Property Institute of the National University "Odessa Law Academy" in Kyiv, examiners improved their English language skills.

In 2016, the EU Twinning project "Strengthening the Protection and Enforcement of Intellectual Property Rights in Ukraine" came to an end. At the final stage of the project, in the first half of 2016, a few Workshops were held with the support of SIPS and Ukrpatent. In general, during the project, 676 people undergone training on intellectual property, including experts of SIPS and Ukrpatent, examiners, judges, customs officials, and representatives of the law enforcement agencies.

In 2016, for the purpose of professional development and improvement, and to disseminate intellectual property knowledge, experts of SIPS and Ukrpatent took part in many specialized events in Ukraine. Those included the WIPO Regional Workshop on Intellectual Property for Small and Medium-Sized Enterprises and Building Respect for Intellectual Property Rights, the research-to-practice conference "Place and role of informational and intellectual property law in the current context"; the meeting regarding the matters of analysis of the judicial practice from the All-Ukrainian Public Organization "Ukrainian Bar Association", from the Committee on telecommunications, information technology and Internet, and from the Committee on intellectual property; the round-table meeting "Intellectual property in IT"; the International conference "Technology and innovation: from scratch to end product", held in Lviv; III Intellectual Property Forum IPF-2016, set up by the "Legal Practice" newspaper; the round-table meeting by the International Trademark Association (INTA) in Ukraine "Intellectual property rights enforcement and matters of combating infringements on the Internet"; the round-table meeting "Countering patent trolling in Ukraine in the context of intellectual property rights enforcement"; IX International business forum "Problems and prospects of innovation activities in Ukraine", seminar "Peculiarities of examination of applications for marks and industrial designs", etc.



As part of the events, dedicated to the All-Ukrainian Law Week, experts of SIPS and Ukrpatent took part in the Second Research and Cognitive Conference "Intellectual property and pharmaceutical industry", held by PJSC "Farmak", and in the round-table meeting on the topical issues of intellectual property legal protection, arranged by the State Enterprise "Antonov". Also, following the activities program of the All-Ukrainian Law Week, Ukrpatent arranged the Open House Day for future legal specialists, where the students could learn the practicalities of examination process by visiting examination departments of the enterprise.

On July 25-30, the Taras Shevchenko National University of Kyiv (KNU) welcomed the Summer School on Intellectual Property (WIPO general course). The work of this year's Summer School was supported by the Scientific and Research Institute of Intellectual Property of the National Academy of Sciences of Ukraine jointly with the Department of Intellectual Property of the KNU, along with SIPS.

During the course, the participants, among them the final-year students, teachers and young intellectual property specialists, mastered a theoretical course on intellectual property and had the opportunity to participate in thematic workshops under the program of the WIPO Summer School on Intellectual Property.

In order to promote knowledge on intellectual property development milestones in Ukraine, a number of excursions to the Museum of Intellectual Property Legal Protection were arranged for pupils and students of educational institutions of Ukraine.

The full list of events of the state system of intellectual property legal protection dedicated to intellectual property issues, held in 2016, is contained in the Annual Report.

In the reporting year, SIPS received 25 applications for certification of potential patent attorneys, the consideration of which resulted in 24 candidates admitted to pass qualifying examinations and certification by the Certification Commission.

Qualifying exams for potential patent attorneys were held in the higher educational institution, specified by SIPS – the Intellectual Property Institute of the National University "Odesa Law Academy" in Kyiv. This institution is licensed to conduct educational activities related to the preparation and training of specialists with a degree in "Intellectual Property" and it has the relevant material and technical resources for such qualifying exams.

As a result of qualifying exams 20 persons were certified as professional intellectual property representatives (patent attorneys).

As of December 31, 2016 there were 514 registered patent attorneys in Ukraine, who render services in the field of intellectual property rights protection.

#### **Other activities**

Detailed information on other activities of the state system of intellectual property legal protection in 2016 is contained in the appropriate sections of the 2016 Annual Report ([http://sips.gov.ua/en/year\\_reports.html](http://sips.gov.ua/en/year_reports.html))

In 2016 the Innovations Department ensured the functioning of the Industrial Property Internet Exchange the aim of which is to promote to the market domestic IPRs, including trademarks, to encourage the development of inventive and innovative activities, to increase the level of public awareness on the intellectual property importance, to inform the wide range of interested public.

The Industrial Property Internet Exchange is available at <http://iii.ua/uk/birzha-promislovoyi-vlasnosti>.

## **VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION**

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

The functions of patent documentation international exchange are performed by Ukrpatent, recognized in 2003 by the law as the Centre of International Exchange of Publications according to the Convention on International Exchange of Publications, adopted on December 3, 1958 by the UN General Conference on the matters of education, science and culture.

In 2016, in the framework of international exchange Ukrpatent received official bulletins with information regarding trademarks from seven foreign Offices. The Official Bulletin "Industrial Property" on CD-ROM was sent to exchange partners.

During 2016 the Japan Patent Office and Rospatent also had access to the Official Bulletin "Industrial Property" via the FTP-server, as well as Rospatent had also access to data which are published in the National CD-ROM "Marks for Goods and Services Registered in Ukraine".

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

Implementation of the Cooperation Program between SIPS and WIPO for 2014-2016 was carried out which included actions related to the information activity in the sphere of IPRs, in particular, regarding the use of current editions/versions of the International Classifications in Ukraine, cooperation at the level of the Committee on WIPO Standards (CWS), organization and holding conferences, seminars, etc.

In 2016, the SIPS and Ukrpatent representatives took part in sessions and meetings of the WIPO Committees and Working Groups. In particular, in the framework of implementation of Part III "Cooperation on patent information, documentation and standardization" of the mentioned Program, specialists of Ukrpatent participated in the work of the CWS Task Forces on development of new WIPO Standards – ST.68 "Recommendations for the electronic management of sound marks" and as for electronic management of multimedia (motion) trademarks as well as in the work of the Task Forces for providing required support and updating researches which are published in part 7 of the WIPO Handbook on Information and Documentation.

Support was provided to the Ukrainian language version of the Madrid Goods and Services Manager (MGS) online tool which functions on the WIPO official web-site (<https://webaccess.wipo.int/mgs/>), in particular, representation of new interface elements implemented by WIPO in Ukrainian in the framework of the MGS development. The Ukrainian version of MGS provides access to the Alphabetical List of goods/services and Class Headings of the Nice Classification translated into Ukrainian.

#### **Assistance to developing countries**

#### **Other activities**

## **VII. OTHER RELATED MATTERS**

One of the priority objectives of the examination body is to ensure effective functioning of the quality management system (QMS) of the examination procedure for industrial property rights applications introduced in 2012 at Ukrpatent (International Certificate No. 321012076 of October 17, 2012).

In September 2016, an independent certification organization carried out the supervisory audit of the QMS. Representatives of the audit company noted the high professional level of Ukrpatent employees and positively estimated the professional training measures taken at Ukrpatent. Progress has also been noted in the implementation of electronic document management.

Based on the results of the audit the QMS corresponds with the ISO 9001:2008 standard (international certificate No. 321012076/1, valid from November 19, 2015 till September 14, 2018).