

# SCIT.ATR.TM.2007.US

## Annual Technical Report 2007 on Trademark Information Activities submitted by United States of America (SCIT/ATR/TM/2007/US)

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

### I. Evolution of registration activities

In calendar year 2007, the USPTO received 304,380 applications for the registration of a trademark including 401,039 classes. Application filings increased 8.9 percent, as measured by total classes filed the increase was 10.7 percent over prior year results.

The USPTO issued 170,763 certificates of registration plus renewed 48,056 marks in calendar year 2007. This represented an increase of 11.4 percent from the prior year in the number of marks registered.

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

#### Publishing, printing, copying techniques

The USPTO extracts text and image data to generate the weekly publication of the electronic Official Gazette and enable the printing of paper copies of the registration certificates and updated registration certificates. The textual elements of these products are exported from the Office's central database along with the representations of the marks which are extracted from a database of digitized images, automatically inserted into the layout. The results are both posted on the USPTO's Website and forwarded, electronically, to the publisher, the U.S. Government Printing Office (GPO), as a Postscript file. This process results in the fully automated formatting of the electronic Official Gazette and printing of the registration certificates. Improvements realized include increased economy and reduced cost and publication time allowing for closer quality review of the products prior to publication. In 2007, the Office again reduced the process cycle time by decreasing the time between approval for publication by the examining attorney, publication in the Official Gazette, and registration by eliminating the second level of proofing and by improving the post-publication amendment process. This process change has had a direct impact in further reducing overall cycle time.

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

The USPTO provides a Notices Section in the Official Gazette in which the Office publishes various materials related to the registration and maintenance of trademarks. In addition, the USPTO makes extensive use of the USPTO Website to provide free access to trademark news and information. The Website, at <http://www.uspto.gov> provides access to the Official Gazette, a searchable data base of pending applications and registrations (TESS), access to the file contents of pending applications (TDR), an administrative data base with information regarding the bibliographic data and status of trademark applications and registrations (TARR), the Trademark Manual of Examining Procedure, the U.S. Goods and Services Manual using in examination; data bases related to the Trademark Trial and Appeal Board actions, and various other materials related to Trademarks.

#### Mass storage media and microforms used

The Office collects 100% of all new application data via a scanning and optical character recognition process (for paper filed applications) and in various formats including image and XML (for those applications and correspondences received and transmitted electronically). Images of all new applications and subsequent correspondence are available electronically at the desktop of examiners' working in the Office or working from home. The contents of the older paper pending paper files have been captured as electronic records and the files for registrations continued to be captured.

#### Word processing and office automation

The USPTO continues to revise and expand the word processing templates that support examiner correspondence. Virtually all information and resources needed to process new applications is available electronically from the employees' desktop (whether in the Office or working from home).

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

As described above, the Office had automated its photocomposition process and performs fully automatic layout of all character and image data. The Office employs Arbortext Advanced Print Publisher for layout and continues to use the US Government Printing Office and GPO subcontractors for production printing.

### III. Matters concerning classifying, reclassifying and indexing of trademark information

**Classification and reclassification activities; Classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used)**

The USPTO currently uses a system for indexing the figurative elements of design marks that is based on the Vienna Classification System. The USPTO uses the three levels of classifications for all designs in the database for applications and registrations. These design codes are maintained within the automated databases and are used to support searching design marks within the Office's search databases (both the internal search system (X-search) and the database made available on the Internet (TESS)).

The USPTO currently uses the Nice Classification system for classification of goods and services. The USPTO uses three additional classes, i.e., 200 for collective marks and "A" and "B" for certification marks. Other than this deviation, the USPTO applies Nice classifications to all goods and services.

### **Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services**

The USPTO has developed an Intranet based search tool to provide for electronic searching of the classification manual. This system provides USPTO staff with improved access to classification manual and Notices while providing greater flexibility for modifications. It is now possible to modify the contents of the classification manual on a daily basis. The technology supporting this facility is the same as that supporting the Offices search system thus providing a search syntax already familiar to the examining attorneys.

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

The Office has two options for electronic filing. One of those tracks (TEASPlus) provides the filer with the contents of the ID Manual and requires strict adherence with those entries, adding text only where specifically allowed. The filers that use the TEASPlus option have a reduced fee.

### **Bibliographic data and processing**

The USPTO continues to use the automated search system (X-Search) for all internal trademark searching requirements. Customers are provided with automated search access on TESS, accessed via the [www.uspto.gov](http://www.uspto.gov) site. Additionally, customers may access the internal search system at the Trademark Search Library in Arlington Virginia and selected PTDLs. The contents of the two databases are identical and the search software is the same. The Internet site provides a browser interface while the internal site is accessed via an MS Windows based rich client application.

## **IV. Trademark manual search file establishment and upkeep**

The USPTO does not maintain a manual search file. All searches are performed using an automated search system.

## **V. Activities in the field of computerized trademark search systems**

### **In-house systems (online/offline)**

As described above, the USPTO continues to support two automated trademark search systems. X-Search for all internal trademark searching requirements and limited access to the public and TESS which is accessed via the Internet at the [www.uspto.gov](http://www.uspto.gov) site.

### **External databases**

External resources are used for specific search requirements. Included are Lexus/Nexus and certain CD-ROM based search database such as Computer Select and McCarthy/LawDesk. Additionally, the Internet is available to all Examining Attorneys for reference.

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

The USPTO continues to rely on TRAM as the central automated database system to support the management of the internal operations of the Trademark Office. Work continues on the development of a workflow system (referred to as the Trademark Information System) that would provide fully automated support for, and access to, most all resources required to support trademark operations.

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

The USPTO has a rich environment of equipment supporting Trademark operations. The TRAM system runs on a UNISYS ClearPath mainframe server; MS Windows and HP-UX servers support other systems. A complete description of technical resources used is included in the USPTO Technical Reference Manual.

## **VI. Administration of trademark information products and services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts)**

**Information services available to the public (including computerized services and search files contained in libraries remote from your Office and trademark information posted by your Office on the World Wide Web)**

The USPTO provides valuable resources on the Internet to assist our customers. There is an electronic filing system (TEAS and TEASPlus) that allows for the completion payment and submission of new applications and subsequent documents online. TESS provides a quality information retrieval facility to search for marks that are within our database. TARR provides up-to-date data on applications and registration, including the current status and prosecution history. The Trademark Document Retrieval (TDR) system provides on-line access to the complete file contents of all pending application files and some registered files.

In addition, there are various other offerings including manuals used by examiners that explain various aspects of the USPTO and the trademark system. Visit us at: <http://www.uspto.gov>

The following TM DVD-ROM products are available for purchase by the public:

Trademarks BIB: Bibliographic Information from Abandoned, Canceled, Expired, Pending, and Registered US Trademarks

This Cassis DVD-ROM contains the text of all abandoned, canceled, expired, pending, and registered trademarks from 1884 to present with 30 searchable fields. This DVD-ROM product is updated every two months. Trademarks BIB also refers to trademark image locations on USAMark, described below. USAMark: Facsimile Images of United States Trademark Registrations This Cassis DVD-ROM contains facsimile images of U. S. trademark registration certificates issued from 1870 to the present. An image is an actual page of the trademark, including renewals and modifications, and looks just like the original printed document. USAMark is a document delivery system, not a search system. Retrieval is by document number only from a cumulative index that covers all issued discs. Excellent printed copies of actual documents can be obtained directly from a laser printer. USAMark is published monthly.

## **VII. Matters concerning mutual exchange of trademark documentation and information**

### **International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes**

The USPTO makes the most recent 5 weeks of Trademark Official Gazette available for free through its web site at: <http://www.uspto.gov/web/trademarks/tmog/>.

### **Exchange of machine-readable information**

The USPTO offers a variety of machine-readable products extracted from trademark databases. A catalog of products can be found at the following address: <http://www.uspto.gov/web/offices/ac/ido/oeip/catalog/index.html>

US trademark information is provided to 101 intellectual property offices on optical disc products (mostly in DVD-ROM format).

The USPTO also exchanges data with WIPO in electronic format in support of the Madrid Protocol.

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

The USPTO offers various programs to provide technical assistance to developing countries and to countries moving to a market economy. Programs focus on establishing adequate systems in these countries for the protection of intellectual property rights. They also provide intellectual protection enforcement training. The goal of the various programs is to provide advice and expertise to these countries with the desired outcome being the reduction of losses resulting from piracy of U.S. Intellectual Property.

A Global Intellectual Property Academy (GIPA) was created allowing the USPTO to increase its training and capacity building initiatives on intellectual property protection and enforcement. Through GIPA, the USPTO brings foreign government officials - including judges, prosecutors, police, customs officials, patent, trademark, and copyright officials and policy makers - to the United States to learn, discuss, and strategize about global IPR protection and enforcement. The USPTO completed final construction of the GIPA facility this year, a 20,000 square foot state of the art facility equipped to efficiently deliver targeted programs and training for foreign IP and law enforcement officials. With the establishment of this Academy, the USPTO also implemented a Foreign Examiners -in Residence training program, the first of its kind in international cooperation and training at the USPTO. Selected examiners from the patent offices in China, India, Brazil, Egypt, Mexico, and the Philippines participated in this 8-month program. Overall, the USPTO conducted 77 GIPA programs in FY 2007, a 63 percent increase over programs offered the previous year. Fifty-eight percent of the FY 2007 GIPA programs focused specifically on IPR enforcement related topics, with a goal toward improving IPR enforcement regimes worldwide.

The USPTO partnered with numerous international and non-governmental organizations in designing and delivering technical assistance programs, including the Association of South East Asian Nations (ASEAN), United Nations Economic Commission for Europe (UNECE), International Intellectual Property Institute (IIPI), World Intellectual Property Organization (WIPO), Asia-Pacific Economic Cooperation (APEC), Secretariat for Central American Integration (SIECA), Bureau for International Narcotics and Law Enforcement Affairs (INL), and carried out a range of capacity-building programs under the auspices of the Middle East Partnership Initiative (MEPI).

In fiscal year 2007, the USPTO conducted several programs for intellectual property enforcement officials in the Latin America region. In partnership with the Secretariat for Economic Integration of Central American (SIECA), the USPTO conducted an intensive three day seminar for judges. The program covered an array of topics, including: the importance of intellectual property protection to a country's economic growth, substantive copyright, trademark and patent laws in Latin America, case management, provisional measures, remedies and calculation of damages, criminal prosecution, evidentiary issues in criminal cases, and criminal remedies and deterrent sentencing. Judges from the DR-CAFTA region, Mexico, and Panama participated in the seminar.

The USPTO and SIECA also organized a road show on intellectual property enforcement for judges and prosecutors in February and April of 2007 for all DR-CAFTA members. In an effort to reach out to a larger audience of judges and prosecutors, the USPTO and SIECA, together with the Procuraduria General de la Nacion de la Republica Dominicana and the Judicial Schools in Guatemala and Costa Rica, conducted programs in the Dominican Republic, Guatemala and Costa Rica. These programs provided an in-depth analysis of intellectual property issues over a three day period. The first day addressed international obligations of intellectual property protection and enforcement under various international treaties, the Trade-Related Aspects of Intellectual Property Agreement and the DR-CAFTA; the second day addressed copyrights and related rights issues as well as digital rights management and technological protection measures; and the third day addressed civil and criminal enforcement of trademarks. The participants also visited a federal court house in Miami and had the opportunity to interact on a one on one basis with a judge from the U.S. District Court, Southern District of Florida.

The USPTO and SIECA also held an intellectual property program for all enforcement officials responsible for intellectual property rights enforcement in the Latin America region. Participants included police officers, customs officers, prosecutors, and judges from both Central and South America. The program consisted of a series of lectures ranging from border enforcement to criminal enforcement, both at the federal and local levels. Most recently, the USPTO held a roundtable on border enforcement of intellectual property rights from September 17-21, 2007 in Miami and New York. The program was attended by a managerial and operational customs officer from each of the DR-CAFTA countries. The participants visited U.S. Customs and Border Protection facilities in Miami and New York and had an entire day of product identification training from copyright and trademark holders.

In South America, the USPTO, together with the U.S. Embassy in Paraguay and the European Commission held a 2 day roundtable on border enforcement of intellectual property rights for Paraguayan and Brazilian customs officials.

Technical assistance programs were offered in Africa, which included: in cooperation with the International Intellectual Property Institute (IIPI), the USPTO completed a three day IPR program in Gaborone, Botswana. This program focused on helping Botswana (via its relevant private and public sector stakeholders) organize and create its own "Copyright Society" -- essentially a royalty collection society -- that, once up and running, will work to ensure that artists are appropriately compensated when their copyrighted works are used, displayed, or performed.

In cooperation with the IIPI, the USPTO held a program in Windhoek, Namibia. This conference addressed the intellectual property laws and issues that confront artists and small business owners (particularly in the handicraft market) who would like to produce and sell their traditional goods both locally and internationally. The diverse audience participated actively in the discussions that ensued after several of the presentations and the interactive format provided a preliminary platform for further discussions amongst them regarding the current status of IP laws and practices in Namibia and how to best utilize them for local economic growth.

Through partnership with MEPI, programs were provided that focused on a variety of enforcement issues including an Enforcement Workshop held in Doha, Qatar, for Qatari IP and enforcement officials, and a Regional Workshop on IPR in Broadcasting and Effective Practices in Regulation and Anti-Piracy Enforcement held in Manama, Bahrain.

The U.S. embassy in Egypt, in conjunction with the USPTO, co-sponsored three seminars on "Intellectual Property in the Global Marketplace" in Cairo and Alexandria in February of 2007. Enforcement delivered a presentation entitled "Intellectual Property: Risks, Opportunities and the Importance of Intellectual Property Enforcement" at each of the three programs. The presentation focused on the strong corollaries between a healthy economy and strong IPR protection, the economic harms that result from rampant IPR theft, the public health/safety risks associated with counterfeit products, the use of IPR as a tool of economic empowerment, and development and substantive issues of IPR criminal, civil and border enforcement law. In June of 2007, the USPTO also conducted a GIPA program for 20 judges from Morocco, covering trademark and border enforcement issues. This was a follow-up to a similarly focused program in three different cities in Morocco in May of 2007.

In Asia, the USPTO conducted intellectual property protection and enforcement programs that included: USPTO-APEC Plus Workshop on IPR Border Enforcement held in Los Angeles, California, with participants from APEC economies, USFTA partners, Pacific Island Forum, and ASEAN; ASEAN-USPTO Workshop on IPR in Broadcasting and Effective Practices in Anti-Piracy Enforcement held in Bangkok, Thailand, for ASEAN officials; participated as speaker in the Vietnam IP Enforcement Conference held in Hanoi, Vietnam, for Vietnamese officials; ASEAN-ECAP II-USPTO Seminar on IP Digital Enforcement and Piracy Issues, held in Denpasar, Indonesia for ASEAN and Indonesian officials; USPTO Program for Thai IP Court Judges, held in Bangkok, Thailand; US-Malaysia FTA IPR Public Forum Program, held in Kuala Lumpur, Malaysia, for Malaysian officials and public; USPTO-STAR Vietnam Program on IP Enforcement, held in Hanoi, Vietnam for Vietnamese judges and public prosecutors; APEC-USPTO Seminar on IP Capacity-Building for SMEs held in Bangkok, Thailand, for APEC economy officials; participated as a speaker at an APEC Seminar on IP Guidelines, held in Hanoi, Vietnam, for APEC economy officials and public; ASEAN-USPTO Workshop for Judges and Public Prosecutors on IPR Enforcement, held in Bangkok, Thailand for ASEAN officials; ASEAN-USPTO Workshop on IP Enforcement and Combating Trade in Counterfeit Hard Goods, held in Bangkok, Thailand, for ASEAN officials; ASEAN-USPTO Workshop on IP Capacity-Building for SMEs held in Bangkok, Thailand, for ASEAN officials; APEC-PNG-USPTO Regional Seminar on IPR Enforcement held in Port Moresby, Papua New Guinea, for APEC and PNG officials; and a USPTO-Pacific Island Forum Workshop on IP Enforcement Issues, held in Port Moresby, Papua New Guinea, for Pacific Island Forum member country officials.

The USPTO continued to offer technical assistance in China, with a focus on providing the provinces with capacity-building programs relating to civil, criminal, and border enforcement. In addition to enforcement programs, the USPTO hosted various seminars on substantive intellectual property issues.

Other programs in China conducted during fiscal year 2007 included: Industry focused forums on IP Protection and Enforcement in the automotive sector and for the pharmaceutical drugs industry in Shanghai, telecommunications in Shenzhen, and apparel, and sporting goods in Guangzhou. Discussions were initiated with the Guangdong IP Office to present a second Pearl River Delta Seminar on Innovation and Intellectual Property Enforcement in southern China. The Office also assisted with a national Chinese Customs training program funded by the Trade Development Assistance Agency held in three separate two-week programs in Shanghai.

The USPTO also participated in the following programs: the Ambassador's Roundtable Meeting and training in Beijing and Shanghai; U.S. Chamber IP Enforcement seminars in Guangzhou and Nanjing; meeting/training with local Chinese officials on IP Enforcement in Yiwu; a program with Temple University and Qinghua University on IP Enforcement for Chinese prosecutors in China, Beijing; American Chamber of Commerce Programs on IP Enforcement in Shanghai and Guangzhou; Consumer Electronics Association Trade Show in Qingdao; Department of Commerce Program on IP and Standards in Shenzhen; and a Trade Fair Enforcement and a Customs Training program, Guangzhou

The USPTO planned and carried out border enforcement workshops in Kaliningrad and Khabarovsk, Russia in March and May of 2007, respectively. The workshops focused on risk analysis, U.S. Customs and Border Protection (CBP) operations and experiences, Russian legislation, and right holder experiences. Within two weeks of the Kaliningrad workshop, customs officers reported seizing a fairly large shipment of counterfeit Levi's wearing apparel and credited their attendance at the workshop as providing the necessary tools to interdict and seize the shipment.

In June of 2007, the USPTO planned and carried out a judicial conference in Kiev, Ukraine. The workshop focused on the role of IPR in emerging economies, interaction of law enforcement agencies, investigative techniques, evidence collection and maintenance, case processing, and sentencing guidelines. In addition to providing a foundation for the judges in attendance, it also provided them with an opportunity to discuss issues with other branches of government.

As part of a USTR-led delegation, the OIPPE's Enforcement Group participated in several US-Russia IPR Working Group meetings in Moscow and Washington. With the formulation and eventual passage of Part IV of the Civil Code of the Russian Federation, numerous enforcement issues arose, which required detailed review and analysis regarding compliance with the Agreement on Trade Related Aspects of Intellectual Property (TRIPS Agreement) and other international treaties and agreements.

Several enforcement programs were conducted in the Washington D.C. area for foreign officials including: six (6) GIPA Enforcement Programs on intellectual property enforcement for officials from fifty-six (56) different countries.

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

As part of the STOP initiative, the USPTO continued its intensive national public awareness campaign by offering conferences targeting small and medium-sized businesses where participants learned what intellectual property rights are, why they are important, and how to protect and enforce these rights. New to 2007 was a critical partnership with the U.S. Chamber of Commerce enabling the USPTO to share duties of agenda-building, funding, and outreach. The USPTO kicked off the year with a highly anticipated event in Raleigh, North Carolina for small and medium sized businesses designed to aid them in protecting their intellectual property in a global marketplace, and followed up with events in Detroit, Michigan; Burlington, Vermont; San Antonio, Texas; Portland, Oregon; Seattle, Washington; Denver, Colorado; and Los Angeles, California.

Large companies presented "Lessons Learned" and "Best Practices" to small business attendees and small businesses discussed the importance of IP protection. More than 1,300 small and medium –sized businesses attended our conferences. As a new outreach and educational tool, the USPTO distributed more than 1,500 CD-ROM presentations on IP protection.

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

See: <http://www.uspto.gov>

**X. Other relevant matters**