CWS.ATR.TM.2011.EM

Annual Technical Report 2011 on Trademark Information Activities submitted by OHIM (CWS/ATR/TM/2011/EM)

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

I. Evolution of registration activities

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

By the end of 2011, just under 106,000 applications had been received, with Madrid Protocol applications representing 16% of the total. This was 6% more than the Work Programme estimate and 7.7% up on the previous year

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

In view of the progress on timeliness in 2010, the Service Charter standards for the publication and registration of CTMs were reduced by one week to 10 weeks and 25 weeks respectively. In spite of the steady increase in applications, processing times were maintained or improved. By the end of 2011, 98% of CTM applications for straightforward files (not experiencing opposition or appeal) were being published and 99% were being registered within the new standard times.
The target time to notify opposition decisions within 10 weeks of the end of the adversarial proceedings was being met in 89% of cases during the final quarter, maintaining the substantial improvements compared with the previous year, when the target time was 17 weeks.

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

http://oami.europa.eu/ows/rw/pages/OHIM/statistics.en.do

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

Publishing, printing, copying techniques

Electronic CTM certificates
http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications/newsletter/0911/EBUSINESS/ebis1.en.do

Once the TM registration process is completed, an electronic registration certificate is generated and placed online. In addition, the Office sends a notification containing a URL link that takes the clients to the e-Certificate. E-communication users need to open their mail box, click on the label marked "L-304" containing the link to the e E-Certificate.
A similar letter can be sent by fax or mail. Users only need to either type the Internet link provided (URL) into their browser or search in CTM online and access the document through our Online Access to Files service. To do so, they can go to the CTM Online tool available on the OHIM website at http://oami.europa.eu and search for the CTM details. They should click on the Online Access to Files icon. This will open the Online Access to Files component, where all non confidential documents.. The Certificate of Registration can be found under the folder entitled OHIM Letters, and the document is named "certi".
e-Certificates look the same and have the same legal value as the registration certificates previously posted sent by the office, but can be delivered much more quickly. Up to now, postal delivery took up to 4-5 weeks. The new e-Certificates are ready for downloading and printing (if required) within 3-5 working days.

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

VADEMECUM
http://oami.europa.eu/bulletin/ctm/ctm_bulletin_en.htm

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

CTM Bulletin
http://oami.europa.eu/ows/rw/pages/CTM/CTMBulletin.en.do

CTM-ONLINE
http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic?

TMVIEW
- TMview is an online consultation tool allowing any Internet user to search, free of charge, the trade marks of all participating official trade mark Offices. It is multilingual and easy-to-use, and gives access to trade mark applications and registrations of the participating official trade mark offices in a single place.
http://www.tmview.europa.eu/tmview/welcome.html

eSEARCH
http://esearch.oami.europa.eu/copla/index
eSearch Plus is the powerful new integrated search tool for OHIM resources. eSearch Plus allows Internet users to search and monitor Community trademarks and registered Community designs, as well as look for owners, representatives and related case-law.

EuroClass

http://oami.europa.eu/ows/rw/pages/QPLUS/databases/euroclass.en.do

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)

Classification systems: Nice Classification and Vienna Classification

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

EUROCLASS
http://oami.europa.eu/ows/rw/pages/QPLUS/databases/euroclass.en.do
EuroClass is a useful tool assisting the applicants when filing their trade mark and when trying to organise the goods and services into the correct classes. This tool helps applicants with classification of goods and services, allowing them to compare the classification databases of the Participating Offices supplying data to EuroClass. When search for a classification term in EuroClass, one will see in which Participating Office databases that term appears.

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

Goods & Services
It is mandatory to indicate for which goods and/or services the applicant wishes to register the trade mark. Goods and services are divided into different classes according to the International Classification of Goods and Services under the Nice Agreement (the "Nice Classification"). There are presently 34 classes of goods and 11 classes of services, at least one of which must be selected.
The applicant can select Goods & Services by the following means:
Import the Goods & Services of an existing CTM application
Import the Goods & Services from our database EuroClass
Insert the Goods & Services manually

IV. Trademark manual search file establishment and upkeep

The OHIM does not maintain a manual search file.

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

The OHIM uses for internal searches two systems not available to the public: EUROMARC++ and QFMAN.

External databases

Searching the Community trade mark database: CTM -ONLINE
http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do

TMVIEW - http://www.tmview.europa.eu/tmview/welcome.html

eSEARCH http://esearch.oami.europa.eu/copla/index

Goods and Service, Nice Classification: EUROCLASS
http://oami.europa.eu/ows/rw/pages/QPLUS/databases/euroclass.en.do

Representative consultation service
http://oami.europa.eu/FRP/RequestManager?transition=start&source=Log-in.html&language=en&application=FRP

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)

E-filing is a service provided by OHIM, which enables users to apply for a Community trade mark online.
OHIM provides a business-to-business solution for its larger clients where, based on an agreed transfer mechanism across the Internet, our clients can send their CTM applications directly from their own back-office systems directly to OHIM.

http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do

E-renewal is a service provided by OHIM in order to enable users to renew a CTM online.
http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileRenewalCTM.en.do

E-opposition is a service provided by OHIM in order to allow users to file an opposition online.
http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileOpposition.en.do

My Page: CTM users can sign up for their own personalized, easy-to-use, free and secure platform: MyPage. This tool offers direct access to every OHIM external database, to e-filing system and to the user´s personal data held by the OHIM.
http://oami.europa.eu/ows/rw/pages/QPLUS/MyPage.en.do

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

http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do

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

http://oami.europa.eu/ows/rw/pages/CTM/regProcess/regProcess.en.do
http://oami.europa.eu/ows/rw/pages/CTM/FAQ/FAQ.en.do

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

http://oami.europa.eu/ows/rw/pages/CTM/index.en.do

VII. Matters concerning mutual exchange of trademark documentation and information

OHIM holds a wide range of cooperation and consultation meetings with stakeholders in EU including national IP offices, the European Commission user groups and representatives of the judiciary.
Each year we hold well-attended liaison meetings with national offices, on trademarks, designs and technical/IT issues. The meetings are used to exchange best practice, and discuss innovations.

There's also a long history of cooperative projects with various stakeholders, on training, information, and on e-learning and e-business resources. This including significant collaboration on databases and information tools, including the well-known TMview project, combining data from trade mark databases, and the EuroClass classification project.

OHIM Cooperation Fund
The Cooperation Fund is the main vehicle used by OHIM and other stakeholders including national IP offices and user organisations for promoting harmonisation of IT tools and the modernisation of offices in the EU.
A total of 18 projects are planned under the fund, including the TMview and EuroClass joint databases which previously existed. During 2011 kick-off meetings were organised for the majority of the projects and significant progress was made.
http://oami.europa.eu/ows/rw/pages/QPLUS/OHIMCooperationFund.en.do.

The Convergence Programme was launched during 2011 to try and reach common ground on a series of issues where IP offices in the EU have different practices. The Convergence Programme complements the work on common IT tools taking place under the Cooperation Fund and the review of trade marks laws and procedures in Europe led by the European Commission.
http://oami.europa.eu/ows/rw/pages/QPLUS/convergenceProgramme.en.do

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)

OHIM has always put emphasis on understanding users of CTM system and responding to their needs.

The OHIM website remains the most important information resource. The content, in five languages, is updated daily, and it's the home for the office's monthly electronic magazine, Alicante News.
http://oami.europa.eu/ows/rw/pages/OHIM/index.en.do

Relations with users

Office for Harmonization in the Internal Market (OHIM) maintains close links with all interested parties in order to ensure cooperation and harmonization across Europe as well as to ensure the best possible delivery of its services

Cooperation inside the EU
OHIM holds a wide range of cooperation and consultation meetings with stakeholders in EU including national IP offices, the European Commission user groups and representatives of the judiciary.
http://oami.europa.eu/ows/rw/pages/QPLUS/networks/networks.en.do

Cooperation with other international organisations
OHIM's International cooperation activities included forging closer agreements with both the European Patent Office (EPO) and the World Intellectual Property Organization (WIPO) in order to strengthen and develop the existing good relations.
Cooperation outside the EU

During 2011, cooperation between OHIM and a number of global partners was significantly stepped up in recognition of the fact that many of CTM and RCD users also have to deal with IP systems in countries outside the EU.
Cooperation agreements were signed with Russia, Croatia, Turkey and relationships were re-established with US, China, Korea, OAPI, ARIPO and Mexico

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

OHIM was present at the following events in 2011
http://oami.europa.eu/ows/rw/pages/OHIM/news/eventsArchive2011.en.do

Training courses for national and foreign participants

The OHIM Academy was set up in May 2011 to support the strategic goals of the Office and to act as the flagship of the office for staff development and for knowledge sharing with other stakeholders. There is an ongoing process of consultation with offices on how the Academy can best help in providing assistance with other needs, such as ad-hoc training courses or study visits.
The Office organises traineeships twice a year, lasting five months each, for young university graduates of Member States of the European Union and for a number of nationals from candidate countries and third countries. These traineeships consist of work experience in one of the services of the Office.
Moreover the Office welcomes national experts seconded from the industrial property offices ("SNEs"), benefiting from the high level of their professional knowledge and experience.

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

OHIM is interested in forging closer relations with IP systems in other jurisdictions because differences in practice often cause problems for rights holders and part of OHIM's mission is to help harmonise, where possible, the rules and regulations, in discussion with other offices and agencies.

OHIM has a long-standing history of bi-lateral cooperation with China, and played a leading part in the four-year EU-China IPR2 programme of cooperation and knowledge sharing, which held closing events in Beijing and Brussels during June and September.

OHIM signed a formal cooperation agreement with the Turkish Patent Institute (TPI). The Memorandum of Understanding covers capacity building, training and information technology. Turkey's future participation in the TMview database project was among the matters discussed and the TPI also officially launched new trade mark guidelines, which were drawn up with assistance from OHIM and the German Federal Patent Court.

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

provide information on legislation related to trademarks

http://oami.europa.eu/ows/rw/pages/CTM/legalReferences/legalReferences.en.do

contain the Annual Report of the Office

OHIM's Annual Report for 2011 is available only online in Multimedia version or in PDF format.
http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications/annualReport.en.do

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

Quality Plus The Office is committed to listening to users' needs and putting in place measures to maintain and improve the quality of services. This section provides access to the Office's quality policy, the Service Charter, User Satisfaction Survey, and guidance on how to file a complaint. You will also find information on cooperation projects with IP offices in member states and internationally.
Networks and Users' Groups includes: The OHIM Users' Group
• Judges' seminars and symposiums, and the OHIM Universities Network
• Information about OHIM's participation in networks with other major IP offices.
• Technical cooperation agreements, the OHIM Cooperation Fund, Convergence Programme.
http://oami.europa.eu/ows/rw/pages/QPLUS/index.en.do

User Satisfaction Survey
The principal objective of the User Satisfaction Survey is to measure the level of satisfaction among users of the various services provided by the OHIM. In 2011 for the first time, the survey included non-EU based users of the OHIM, and thus it provides a more comprehensive picture of how the OHIM is viewed worldwide.

Complaints Unit
Complaints Unit handles written complaints about the processing of CTM and RCD files.
http://oami.europa.eu/ows/rw/pages/QPLUS/complaintsUnit.en.do

provide open source codes related to trademark information systems

A Trade Mark XML Open Standard Initiative
http://www.tm-xml.org/
TMview is an online consultation tool allowing you to search, free of charge, the trade marks of all official trade mark offices which are participating at national, international and EU level. The accuracy of the data contained in TMview is the sole responsibility of the offices or organisation providing it. In principle, TMview reflects with certainty their trade mark registers at the moment of consultation. TMview is a cooperation project between the OHIM, WIPO and EU national trade mark offices.
http://tmview.europa.eu/tmview/welcome.html

EuroClass is a classification tool that will help you in the classification of Goods and Services, and allow you to compare the classification databases of each participating office. It will provide a list of descriptions of Goods and Services that have been accepted by each office, and where no entry is found, will provide a list of similar terms in the classes searched.
http://oami.europa.eu/euroclass/actions/main.do

contain trademark-related news regarding the Office

ALICANTE NEWS is a newsletter, edited by the Office for Harmonization in the Internal Market and published on the second last Wednesday of every month.
The aim of ALICANTE NEWS is to provide up-to-date information on OHIM- related matters, as well as on other general IP issues, to the users of the Community trade mark and design registration systems.
http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications/newsletter.en.do

X. Other relevant matters