

SCIT.ATR.TM.2007.AT

Annual Technical Report 2007 on Trademark Information Activities submitted by Austria (SCIT/ATR/TM/2007/AT)

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

Austrian National Trademark applications
2007 8.664 + 0,48 % compared to 2006
2006 8.622 + 0,45% compared to 2005
2005 8.583 + 2,36% compared to 2004
2004 8.385 - 0,48 compared to 2003
2003 8.426

Austrian National Trademarks Registrations
2007 6.469 - 8% compared to 2006
2006 7.038 + 2,4% compared to 2005
2005 6.873 -10% compared to 2004
2004 7.700 + 12% compared to 2003
2003 6.835

Effective trademark rights (AT national)
2007 114.034 + 1,45% compared to 2006
2006 112.403

Effective trademark rights (AT - international)
2007 237.070 - 2,98% compared to 2006
2006 244.364

Effective trademark rights (Community trademarks)
2007 29.807 +75% compared to 2006
2006 17.000

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

Despite the possibility of getting protection by filing a CTM application, a general trend for a reduction in national trademark applications could not be observed.

As in the last years, about 90% of the national applications originated from Austrian enterprises.

The number of effective trademark rights has further increased: more than 114.000 signs were protected as national trademarks by the end of 2007. This is an increase of about 1,45% compared with the year 2006.

The oldest trademark in force in Austria is still the one that was filed on April 2nd, 1859.

About 237.000 signs are protected as international trademarks with respect to Austria. Adding the effective community trademarks, nearly 400.000 signs in total are protected as trademarks in the territory of the Republic of Austria.

The majority of applications were filed in the class 35 and 9, followed by the classes 16, 3, 29 and 41.

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

Homepage
<http://www.patentamt.at>

Statistics for 2007 are in the Patent Gazette "Patentblatt" April 2008
Link: <http://www.patentamt.at/Home/Erfindungsschutz/Publikationen/PB2008004Ineu.pdf>

or by following this navigation path:
<http://www.patentamt.at>
protection of invention
publications
Austrian Patent Gazette
PBI 4 / 2008 15.4.2008 Patentblatt April 2008 I. Teil

Statistics 2006 for patents, utility models, trade marks and designs
Statistics for 2006 are in the Patent Gazette "Patentblatt" April 2007
Link: <http://www.patentamt.at/Home/Erfindungsschutz/Publikationen%202006/PB2007004I.pdf>

or by following this navigation path:
<http://www.patentamt.at>
protection of invention
publications
Austrian Patent Gazette
PBI 4 / 2007 15.4.2007 Patentblatt April 2007 I. Teil

Statistics for 2005:
<http://www.patentamt.at/Home/Erfindungsschutz/Publikationen%202006/PB2006004I.pdf>
PBI 4 / 2006 15.4.2006 Patentblatt April 2006 I. Teil

Statistics for 2004:
<http://www.patentamt.at/dms/dms.php?id=18515&filename=PBI2005003I.pdf>
PBI 3 / 2005 15. März 2005 Patentblatt März 2005 I. Teil

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

Publishing, printing, copying techniques

The Austrian Trademark Gazette is a separately published, monthly issued bulletin which exclusively relates to trademark information. Its production employs a Desktop Publishing program adapted to the special requirements of the office. The production works with a master copy, from which the paper copies are made.

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

Starting with 2006 the Austrian Trademark Gazette is published monthly on the homepage of the APO. Only few paper copies are sent to offices according to the agreements of bilateral exchange of publications between offices.

Mass storage media and microforms used

As mass storage means magnetic disks are used for the bibliographic data, for all word marks and for the wording of combined word and figurative marks as well as for the figurative elements of national trademarks.

Word processing and office automation

National trademark applications and incoming letters are scanned with EPOSCAN. Outgoing letters are prepared with MS-Word via a workflow-management system including an in-house online file-inspection since the year 2000.

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

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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

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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 Nice Classification Systems of Goods and Services, 8th edition, is used for the registration of marks. The applicants are not obliged to use pre-defined terms of the classification system. Classification symbols are allotted by the applicant. The symbols are checked by examiners of the trademark department in the course of the examination procedure and are used for the registered marks.

For the classification of figurative elements of marks the Vienna Classification system, 5th edition, is applied.

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

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

The applicants are not obliged to use pre-defined terms of the classification system.

Bibliographic data and processing

Bibliographic data elements and classifications are searchable. The images are displayed together with these data elements.

This search is available inhouse and via Internet.

IV. Trademark manual search file establishment and upkeep

File Building

In 1996 the manual search files were replaced by an electronic storage and retrieval system, please see also item V.

Documentation from other offices maintained and/or considered part of the available search file

The Austrian Patent Office receives the Trademark Gazettes from most of the other offices and from OHIM. Since a lot of these publications are available via Internet the paper version is reduced. These gazettes are stored in the reading room of the public library.

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

The examination of trademark applications as to similarity is executed by electronic means. The database includes national trademarks, community trademarks and international trademarks valid in Austria.

External databases

Access to the database ROMARIN and to the bibliographic data of Community Trademark Applications is available and also used for information services.

Together with other national Offices (France, Portugal and Hungary) the Austrian Patent Office took part in the eMage project in testing a new Search Service for figurative elements of trademarks and designs.

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

The complete register of national trademarks is available in an electronic version. The project of converting the paper version of the national register of trademarks to an electronic register was finalized in 2001.

An electronic registry for Appeals and Nullities including information about the procedural steps is accessible via the offices intranet.

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

Hardware: From Pentium III 800 MHz to Pentium IV 2,4 GHz for all examiners via Ethernet-LAN, two flat-screen monitors for all trademarks examiners, leased lines to Internet.

Software: Windows Operating System (Win2000, WinXP), in house document management system for trademarks, Host System Siemens BS2000.

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 Austrian Patent Office offers free information services concerning legal questions, details of registration procedures, property rights or due fees, which can be submitted verbally (personally or by phone, e-mail to info@patentamt.at).

Legal and technical experts of the Austrian Patent Office can be consulted for legal and technical questions in connection with an intellectual property right, a pending application or for an intended application. The legal information service is available personally or by telephone or by e-mail to info@patentamt.at free of charge on all working days.

At the information centre in the Austrian Patent Office information is provided by telephone, e-mail or face-to-face about all national intellectual property applications and granted rights, about published European and international patent applications designated for Austria, as well as about registered international trademarks with effect for Austria, and about community trademarks of the European Union and about national and Community designs. This information covers all bibliographic data of the mentioned protection rights. This inquiry can also be made in the library by self-service (with support of the library personnel) on computer workstations.

The register administrators of the Austrian Patent Office provide information concerning the current legal status of all effective patents, utility models, semiconductor rights, supplementary protection certificates, trademarks and designs. The officials in charge can be consulted at their consultation hours about specific applications, e.g. the correct trademark or design classification of a sign or product.

Information services of the Service and Information Center (serv.ip, former TRF)

The Service and Information Center of the Austrian Patent Office (serv.ip) started its activities in the fall of 1994 pursuant to the appropriate regulations of the amendment of the Patent Law of 1992 and the corresponding ordinance of 1994. The central purpose of the founding of this enterprise was to offer customer-oriented service and information products in the area of patents, trademarks and designs in a commercial manner. The following services are offered:

- trademark similarity search
- a similarity record including colour images
- trademark monitoring
- information in written form
- uncertified register extracts
- express services concerning national and international trademark similarity searches, register extracts as well as written information
- external on-line information
- translation of the list of goods and services from the German into French or English
- express search in the patent field

Express service:

Register extracts as well as written information are supplied within 24 hours after receipt of order by fax and by email upon request.

External on-line information:

Internet access to the database of the Austrian Patent Office for information concerning patents, utility models, designs and supplementary protection certificates is available. Registry status for industrial design is available online.

The homepage of the Austrian Patent Office contains general information as well as detailed references for applicants concerning forms for application and the current fees for all industrial property rights, namely patent, utility model, trademark, design, supplementary protection certificate as well as semiconductor protection. All bibliographic data, and information about time limit and amount of the next renewal fee, are free of charge. Full access to the database of the Austrian Patent Office, which covers all property rights for Austria according to different search criteria, e.g. owner, inventor, international patent classification, application and register number, is made possible by using a password.

Information about the due date and about amount of the next renewal fee and methods of payment is available at any time via Internet by entering the application or register number.

Address of the Austrian Homepage: <http://www.patentamt.at>

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.

Navigation:
Homepage: <http://www.patentamt.at/trademarks>

General information

http://www.patentamt.at/Home/Markenschutz/Allgemeineinfo/11709_1.html

Forms

http://www.patentamt.at/Home/Markenschutz/Formulare/12852_1.html

Here you find forms and infosheets concerning AT national trademark applications, Community trademarks and international trademarks.

Our Information sheets and application forms are only available in german.

NATIONAL TRADEMARKS

Information sheet / Trademark applications

MA 501 17.4.2007 Infoblatt nationale Marke

http://www.patentamt.at/Home/Markenschutz/Formulare/MA501_Informationsblatt170407.pdf

Nice classification

Nizzaer Klassifikation 1.1.2007 Nizzaer Klassifikation 9. Auflage

http://www.patentamt.at/Home/Markenschutz/Formulare/Nizzaer_Klassifikation.pdf

Information about how to notify changes of the applicant / owner of a trademark

MA 502 20.4.2007 Informationsblatt

Aenderungen betreffend Anmelder bzw. Inhaber einer Marke

http://www.patentamt.at/Home/Markenschutz/Formulare/AenderungenAnmelder_Marke1_3.pdf

Trademark application form:

MA 118.1.2006Anmeldeformular Marken national

http://www.patentamt.at/dms/dms.php?id=22388&filename=MA_1.pdf

COMMUNITY TRADEMARKS

Informationsheet on Community trademarks

MA 700 Infoblatt Gemeinschaftsmarkenanmeldung

INTERNATIONAL TRADEMARKS

Informationsheet on International trademarks

MA 571 18.4.2007 Infoblatt zur internationalen Markenregistrierung

http://www.patentamt.at/Home/Markenschutz/Formulare/MA_571_MMA_Infoblatt_April2007.pdf

International application

MA 572 17.1.2007 Antrag auf Weiterleitung des Gesuchs um internationale Registrierung

http://www.patentamt.at/Home/Markenschutz/Formulare/MA_572_Jaenner_07.pdf

MM 18 3.8.2005 Declartion of Intention to use the Mark: United States of America

http://www.patentamt.at/Home/Markenschutz/Formulare/MM_18_usa.doc

Overview about translation terms for list of goods and services

Uebersicht 17.1.2007 Uebersetzungs Uebersicht Waren und Dienstleistungen (Nizzaer Klassifikation) Deutsch, Englisch, Franzoesisch, 9. Auflage

http://www.patentamt.at/Home/Markenschutz/Formulare/Nizza_Liste_Waren_DI_Auf19.pdf

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

Navigation:
Homepage <http://www.patentamt.at>
Serv.ip

Services:
http://www.patentamt.at/Home/servip/Unsereleistungen/11784_1.html

Prices:
http://www.patentamt.at/Home/servip/Preise/12830_1.html

Order
http://www.patentamt.at/Home/servip/Bestellung/12829_1.html
same forms for
- National Trademarks
- International Trademarks
- Design
- Utility Model
- Austrian Patent
- European Patent
- Protection Certificate

Opening hours, contact
http://www.patentamt.at/Home/servip/Oeffnungszeitenkontakt/12562_1.html

Trademark Services:
Ursula Hoefermayer, phone: + 43 1 534 24 721; fax: + 43 1 534 24 78
<mailto:ursula.hoefermayer@patentamt.at>

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 Austrian Trademark Gazette is exchanged on a bilateral basis with almost all of the WIPO Member States and OHIM. In addition, the office receives the trademark gazettes of WIPO.

Exchange of machine-readable information

Machine-readable information exchange of industrial design and trademark data has been started for the EU-project e-Mage / eMARKS.

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)

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

Please see Annual Technical Report 2007 on Patent Information Activities.

Training courses for national and foreign participants

Please see Annual Technical Report 2007 on Patent Information Activities.

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

Please see Annual Technical Report 2007 on Patent Information Activities.

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

Austrian Design Gazette and Austrian Trade Mark Gazette
contains bibliographic and register data for Austrian Designs / Trademarks.

Navigation to the online-version in .pdf-Format
Homepage: <http://www.patentamt.at>
Industrial Design / or Trademarks / or Protection of inventions
Publications

Austrian Patent Gazette

The Austrian Patent Gazette is published by the Austrian Patent Office on the 15th of each month.

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Part 1 (I Teil) is the general part and contains decisions, notices, law, and the organisational changes of the Austrian Patent Office etc.

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e-mail: kopierstelle@patentamt.at

Navigation:
Homepage <http://www.patentamt.at>

The Austrian Patent Office
Laws
http://www.patentamt.at/Home/daspatentamt/gesetzlichegrundlagen/12035_1.html

contain the Annual Report of the Office

For further information about activities of the office, one may also refer to the Annual Report of the Austrian Patent Office, published in German and English on the Homepage of the office
2007: <http://www.patentamt.at/geschaeftsbericht2007/frames.html>
2006: <http://www.patentamt.at/geschaeftsbericht2006/frames.html>
2005: <http://www.patentamt.at/geschaeftsbericht2005> .

X. Other relevant matters