

# SCIT.ATR.TM.2002.AT

## Annual Technical Report 2002 on Trademark Information Activities submitted by Austria (SCIT/ATR/TM/2002/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

The following numbers of trademark applications and registrations in 2002 in Austria are presented in comparison with the numbers in 2001 (=100%):

National applications: 8.353 in 2002 (-4,8%)  
8.771 in 2001

National registrations: 6.357 in 2002 (-23,5%)  
8.307 in 2001

MMA/MMP applications  
based on Austrian trademarks: 960 in 2002 (-15,2%)  
1.132 in 2001

International registration  
with effect in Austria: 12.704 in 2002 (+12%)  
11.341 in 2001

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

In the year 2002, the number of application solidified with regard to previous years with exception of the very high level of 1999, not only in the field of national trademark applications, but also with regard to the requests for international registration on the basis of domestic trademarks as well as in the community mark sector after a peak in the year 2000.

The decrease of the number of national trademark applications can be attributed to an international trend involving diminished foreign application activity. 87.1% of the national applications originated from Austrian enterprises. Therefore, the increase of the share of domestic applicants continues, a trend already observable during the last years.

About 45,100 Community Trademark registrations, which also have effect in Austria, were filed at the Office for Harmonisation in the Internal Market (Trademarks, Designs and Models) in Alicante. This corresponds to a slight decrease compared with the year 2001.

In addition to this, approx. 38,000 trademarks were registered at the Office for Harmonisation in the Internal Market in the year 2002, which came into effect for the whole EU and thus also for the territory of the Republic of Austria.

The number of effective trademark rights has further increased. 102,545 signs were protected as national trademarks at the end of 2002. This is an increase of 1,470 national trademarks compared with the year 2001. The oldest of these was filed on April 1, 1859. Almost 250,000 signs are protected as international trademarks. Adding the effective community trademarks, a half million signs are protected as trademarks on the territory of the Republic of Austria in total.

The majority of applications were filed in class 9 (1,233 applications) and in class 35 (1,099 applications), followed by class 16 (649 application) and class 41 (459 applications).

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

The Austrian Trademark Gazette is a separately published, monthly issued bulletin which exclusively relates to trademark information. A DTP program adapted to the special requirements of the office is applied for printing. A master copy is produced and paper copies are made therefrom.

Mass storage media magnetic disks are used to store bibliographic data and all word marks and the wording of combined word and figurative marks.

The figurative elements of national trademarks are stored on magnetic disks. The figurative elements of international trademarks are available on personal computers.

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

The Nice Classification Systems of Goods and Services is used for the registration of marks. Applicants are not obliged to use pre-defined terms of the classification system. Classification symbols are allotted by the 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 (4th edition) is applied.

The bibliographic data of trademarks are indexed for quick online inquiry purposes.

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

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

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

The examination of trademark applications is completely executed by electronic means. For the examination procedure of word marks, a PC based system is used instead of a former large-scale processor. For the examination procedure of figurative elements of marks, a separate PC based network with multiple access is used.

The whole computerized search system for trademarks is running under Windows NT.

The EU-community trademarks are recorded in a separate community trademark database and also identified as such on the similarity protocol.

A pilot system for handling the national trademark applications exclusively by an electronic administration system was elaborated. This project was initiated in 2000.

The project of converting the paper version of the national register of trademarks to an electronic register which was started in 2000, was finalized in 2001. The complete register of national trademarks is now available in an electronic version.

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

The registration numbers for national and international trademarks have been harmonized.

Hardware: Pentium III 800 MHz for all examiners via Token-Ring-Lan, ongoing change from tube-monitors to flat-screen monitors, leased lines to Internet. Planning activities for migration from Token-Ring LAN to Ethernet LAN for 2003 commenced.

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

#### **VI. Administration of trademark 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)**

The Austrian Patent Office offers free information services concerning questions on legal matters, on details of registration procedures, property rights or due fees relating to trademarks which can be submitted verbally (personally or by telephone). An information center is established which also provides information about registered international trademarks with effect for Austria, and about community trademarks of the European Union. 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.

Information about the due date of next renewal fee for a trademark and about amounts and methods of payment is available at anytime via Internet by entering the application or register number.

An electronic period monitoring system was implemented as part of the computer-supported administration for international trademarks .

#### Information services of the Service and Information Sector (TRF)

The Service and Information Sector of the Austrian Patent Office (TRF) commenced 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

In particular, the following commercial services are offered by the Service and Information Sector:

##### The similarity search:

A search with regard to identical and confusingly similar trademarks considering both national Austrian and international trademarks with effect for Austria, all pending trademark applications for Austria as well as all published European Union community trademarks is furnished based on the wording of a word mark or combined trademark and/or the symbolic composition of a figurative or combined trademark, and based on the indication of a list of goods and services (Nice classification) . The result contains data of the owner (name, address), the type of the mark (word, combined, figurative), the register number and the relevant classes of goods.

##### Similarity record including colour images:

This service offers all confusingly similar figurative or combined trademarks registered in Austria and abroad in colour or black/white, which were found in the context of a similarity search.

##### Trademark monitoring:

Trademarks are searched in regular time intervals as specified by the customer, whereby confusingly similar signs are separately recorded with each search result. Thanks to this specific trademark monitoring service the customers receive clear results and thus save valuable time.

##### The written information:

The Service and Information Sector establishes written information concerning trademarks on request. The difference between a written information and a similarity search in the trademark area lies the extent of the result. The written information contains only identical trademarks. Figurative elements cannot be considered.

##### Uncertified register extract:

This information product concerning trademarks, designs, patents and utility models contains, among other things, data with regard to the owner of the property right as well as data of the application and registration. In the case of trademarks it also contains an exact listing of the goods and services classes as well as an image of the figurative element, if it concerns a figurative or a combined trademark. For trademarks, which are registered by an international procedure (Madrid Agreement/Madrid Protocol), all countries to which the protection applies are listed.

##### Express service:

National and international trademark similarity searches, register extracts as well as written information are supplied within 24 hours after receipt of order by fax and in future also by email upon request.

##### External on-line information:

This service offers network access via telephone network to the database of the Austrian Patent Office for information concerning patents, utility models, trademarks, designs and supplementary protection certificates.

##### Translation of the list of goods and services:

The translation is made from the German into the French or the English language and is required for international trademark applications.

#### Internet

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. All register data, especially information about time limit and amount of the next annual 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. This database also allows a search for the mark wording of all trademarks registered for Austria.

Addresses: [www.patentamt.at](http://www.patentamt.at) or [www.patent.bmvit.gv.at](http://www.patent.bmvit.gv.at)

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

The Austrian Trademark Gazette is submitted to almost all of the PCT Member States and to OHIM. The office receives trademark gazettes from almost all of the PCT Member States, from OHIM and WIPO.

## VIII. Matters concerning education and training including technical assistance to developing countries

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

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The World IP Day on 26 April 2002, patronized by the World Intellectual Property Organization (WIPO), was celebrated by the Austrian Patent Office together with the Hungarian Patent Office and the Chambers of Economics of the regions Burgenland and Western Hungary on the occasion of the opening of an itinerant trademark exhibition in the Chamber of Economics in Eisenstadt.

### **Training courses for national and foreign participants**

A trademark training course was held for members of the Turkish Patent Office.

## **IX. Other relevant matters**

For further information about activities of the office in 2002 it is also referred to the "Annual Report of the Austrian Patent Office 2002", published in German and English on the Homepage of the office.