CWS.ATR.TM.2011.US

Annual Technical Report 2011 on Trademark Information Activities submitted by United States of America (CWS/ATR/TM/2011/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 2011, the USPTO received 306,302 applications for the registration of a trademark including 405,684 classes. Application filings increased 8.8 percent, as measured by total classes filed. The increase was 9.6 percent over prior year results.

The USPTO issued 180,063 certificates of registration plus renewed 47,198 marks in calendar year 2011. This represented an increase of 8.1.4 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 PDF files. This process results in the fully automated formatting of the electronic Official Gazette. The Office continues to print the registration certificates in-house

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 examiner's 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. All information and resources needed to process trademark applications or registrations are made 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 has automated its photocomposition process and performs fully automatic layout of all character and image data. The Office continues to use the US Government Printing Office for subscription printing of the Official Gazette.

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 site. Additionally, customers may access the internal Trademark search system at the USPTO Public Search Facility in Alexandria, Virginia. 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 with limited access available on campus to the public and through TESS, which is accessed via the Internet at the 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. The Office continues the planning process for next generation systems, (referred to as Trademark Next Generation Systems) to include document management, a workflow system and business rules. Trademark Next Generation will provide fully automated support for, and access to, all resources required to support trademark end-to-end 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 December, 2011, USPTO introduced a new system, Trademark Status and Document Retrieval (TSDR 1.0). TSDR 1.0 redefines the way Trademark status data and all case file documents are displayed to the public. TSDR re-engineers the existing functionality that TARR and TDR currently provide and adds new features, providing access to one place for viewing, printing, and downloading snapshots of the data the USPTO stores about a trademark application or registration. At a future, yet to be determined date, both the TARR and TDR systems will be retired. Until that time, TARR and TDR will continue to be supported.

Visit us at: http://www.uspto.gov where all of the mentioned Trademark systems reside. Additional materials, including manuals used by examiners, which explain various aspects of the USPTO and the trademark system, are also available on-line.

The USPTO Public Search Facility located in Alexandria, VA provides public access to trademark information in a variety of formats including on-line, microfilm, and print.

The USPTO has a number of Trademark products and services available for free and for purchase. A description of trademark data products available can be found at: http://www.uspto.gov/products/catalog/trademark_products/index.jsp

TM DVD-ROM products are available for purchase by the public:
http://www.uspto.gov/products/catalog/trademark_products/index.jsp

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 most recent 52 weeks of the Trademark Official Gazette (“TMOG”) are available for free through the USPTO’s web site at: http://www.uspto.gov/news/og/trademark_og/index.jsp

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/products/catalog/trademark_products/index.jsp

US trademark information is provided to 99 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)

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

The United States Patent and Trademark Office's Global Intellectual Property Academy (GIPA) offers capacity building programs in the United States and around the world on IPR protection, enforcement, and capitalization.

The USPTO continued its work under a MOU with ROSPATENT to cooperate in capacity building activities, work sharing and public awareness programs in Russia. Specific activities as part of a FY2011 action plan on bilateral cooperation included a multi-city IP awareness program in Russia in June 2011, Roundtables on Patent Examination of Computer Implemented Inventions and Methods of Medical Treatment/Diagnostics in the United States at ROSPATENT in September 2011, Patent Prosecution Highway (PPH) training program at ROSPATENT in April 2011, and Technology Transfer/IP commercialization program at the Moscow State University in September 2011.
In Ukraine, the USPTO participated in the Seminar on IP Management and Technology Commercialization in CIS Countries in March 2011. Participants included universities, government research centers and Small/Medium Businesses (SMEs). Also, in collaboration with the Ukrainian State Department of Intellectual Property (SDIP), the USPTO conducted a workshop on Patent and Trademark Examination.

In Kazakhstan, the USPTO conducted training programs on patent and trademark protection in Almaty and Astana in April 2011 for patent and trademark examiners, SMEs, researchers and the general public.

In Kyrgyzstan, the USPTO staff participated in the CLDP/USPTO/Kyrgyzpatent Seminar on "Intellectual Property and Technology Transfer: Opportunities and Challenges for the Economy of Kyrgyzstan" in September 2011.
In Moldova, the USPTO staff participated in the USPTO/United Nations Economic Commission for Europe (UNECE) Subregional Capacity-building Conference on Economic Aspects and Enforcement of Intellectual Property held Chisinau in November 2011.

The USPTO continued to boost enforcement capacity globally by holding customs and enforcement workshops and capacity-building programs in a number of countries and regions, including the Balkans, East Africa, Colombia, Brazil, Slovenia, Cambodia, and Senegal.

The USPTO partnered with ASEAN on a sub-regional border enforcement program in Brunei, a seminar/tour in the US on innovation and protection/enforcement of IP, a criminal enforcement program in Cambodia, and other sessions on digital piracy, IP management and commercialization, and judicial and prosecutorial education.

In addition, the USPTO emphasized the importance of combating counterfeits, particularly for public health and safety reasons, through specialized programs in Tanzania, India, and Trinidad and Tobago. The USPTO also ramped up its efforts in fighting the growing problem of digital piracy by coordinating and participating in focused programs in Ukraine and Estonia.

In Latin America, the USPTO participated in an intellectual property enforcement program organized by INTERPOL in Mexico City, Mexico (February 2011). The program brought together IP office officials, custom officials, judges, prosecutors and police who are all involved in various aspects of IP protection and enforcement. The programs provided a forum to discuss the socio-economic impact of piracy and counterfeiting and to share experiences to combat piracy and counterfeiting and improve IP protection and enforcement.

The USPTO, in conjunction with the World Intellectual Property Organization (WIPO), organized a Workshop on IPR Enforcement in Ciudad del Este, Paraguay, (June 2011) which included participation of 82 intellectual property officials from Paraguay, Peru, Brazil, Uruguay, Ecuador and Chile.

In March 2011, the USPTO also organized specific IP enforcement training at its Global IP Academy (GIPA) for judges from Argentina, Chile, Colombia, Mexico and Peru. In August 2011, the USPTO participated in a U.S. Department of Commerce/ITA Trade Facilitation and Public Private Partnership customs workshop targeting the MERCOSUR countries by providing information on intellectual property enforcement issues.

The USPTO continued to share information with other countries, including Mexico and Colombia, regarding its experience about joining the Madrid Protocol. Also with respect to the Madrid Protocol, the USPTO, in conjunction with the International Trademark Association (INTA), participated in a program in Bogota, Colombia, providing information on its implementation of this important trademark filing treaty.

In Sub-Saharan Africa, the USPTO provided training programs on an array of intellectual property and enforcement subjects. On copyright, we were observers at the Southern and Eastern Africa Copyright Network (SEACONET) Workshop in South Africa in January 2011.

The USPTO conducted two workshops on IPR border enforcement; one program in January 2011, at USPTO, for Ethiopia, Ghana, Kenya, Swaziland and Uganda, and one in February 2011 for Cape Verde, Ethiopia, Lesotho and Tanzania.

The USPTO also participated in an Interagency IP Task Force Workshop in Kenya, in May 2011, about IPR enforcement.

In collaboration with WIPO and the Public Intellectual Property Resource for Agriculture (PIPRA), the USPTO also co-organized a program on IP management and technology commercialization in Kenya in May 2011.

To promote plant variety protection and the accession to the International Union for the Protection of New Varieties of Plants (UPOV), the USPTO and the UPOV Office co-sponsored two regional plant variety protection programs, one in Ghana for ARIPO members in July 2011 and the other in Zanzibar in June 2011 for Tanzanian legislators and stakeholders.

The USPTO also presented two programs about geographical indications, one in cooperation with the Department of Commerce Commercial Law Development Program (CLDP) in Mali in December 2010, and the other an ARIPO Regional Geographical Indications Program in Kenya in September 2011.

In Russia, the USPTO partnered with the Investigative Committee of the Russian Federation to conduct a training program in Moscow in March 2011 on Copyright Infringement in the Digital Environment. USPTO, FBI and DOJ, along with various Russian government enforcement agencies, as well as industry representatives, shared their experience and best practices in investigating and prosecuting Internet piracy cases. 60 Russian investigators participated in the program.

Also, in the area of enforcement, the USPTO conducted a regional copyright enforcement program for Russia, Nordic and Baltic States, Vilnius, Lithuania in May 2011. The program was dedicated to IPR protection in the age of digital and internet media. It was one in a series of USPTO IPR regional programs which were previously held in Tallinn, Estonia and Helsinki, Finland. Invitees to the conference included prosecutors, customs, and police officials involved in combating internet piracy from Latvia, Estonia, Finland, Sweden, and Russia. Representatives from DOJ, USPTO, and ICE attended as speakers and as moderators for the conference panels. 6 Russian participants representing various enforcement agencies, both federal level and local (incl. General Procuracy, Investigative Committee, Ministry of Interior, Federal Customs Service, Procuracy of St. Petersburg and Investigative Directorate of St. Petersburg) actively participated and contributed to this program.

In Ukraine, the USPTO conducted the following programs: a training program on Copyright Infringement in the Digital Environment for Ukrainian prosecutors and investigators in Kyiv in June 2011; and a Workshop on Identification and Interdiction of Counterfeit Medicines for Ukrainian customs officials, health officials, prosecutors and investigators in Kyiv in May 2011. The latter program was organized in partnership with CLDP. In the ASEAN Region, the USPTO, in cooperation with the ASEAN Secretariat, conducted several ASEAN regional (not including Burma) programs on IP protection, utilization and enforcement in 2011. The USPTO also conducted several in-country IP training, capacity building, and public awareness programs, separately or in conjunction with the regional programs. Five regional programs concerned IP enforcement and four concerned substantive IP topics. On March 6-8, the USPTO held a Regional Copyright, Digital Piracy and Enforcement Workshop in Bangkok, Thailand. About 50 people from the countries in the region including a large number of Thai officials and stakeholders participated in the program. An Advanced Workshop for Law Enforcement Investigators and Public Prosecutors on Criminal Enforcement of IP was held in Bangkok, on June 28-30.

On May 10-12, two concurrent regional programs on Design Examination and Trademark Administration were held in Bangkok, Thailand. Twenty-five industrial design examiners from the IP offices in the region attended the Design Examination Program, where the participants not only learned from the USPTO lecturers, but also exchanged their experiences. Twenty-seven trademark officials attended the trademark administration program. The USPTO experts also conducted seminars on design examination and trademark examination for examiners at the Thai Department of Intellectual Property, prior to the regional programs.

On June 14-16, the USPTO conducted a 3-day Seminar and Workshop on IP Management and Technology Commercialization in Manila, Philippines. More than 30 IP officials and university technology managers from nine countries including local universities participated in the program to learn about policy and best practices in technology transfer. The participants also shared their experiences and discussed best practices.

On July 19-21, the USPTO held an ASEAN regional program on Train the IP Trainers. The program was attended by 23 participants. The graduates of this program are expected to conduct IP training to others in the respective countries. On September 19-29, the program on IPR Border Enforcement-U.S. Study Visit for ASEAN Customs Officers was held in several cities in the United States. Nineteen officials participated. The participants met with the U.S. counterparts who shared their experiences and best practices.

In March 2011, USPTO conducted a Judicial Round Table Discussion on Intellectual Property Rights for judicial officials in the UAE.

In September 2011, the USPTO held four-day consultations on technology transfer policy and best practices with university and other government officials in Rabat and Casablanca, Morocco.

In October 2011, USPTO conducted an Innovation Ecosystem program in Alexandria, Virginia for Iraqi researchers and other officials.

In November 2011, USPTO conducted intellectual property awareness programs in Tunisia and Algeria for intellectual property-related officials.

In 2011, the USPTO conducted a joint seminar with the State Intellectual Property Office (SIPO) on technology transfer policy, focusing on the law, regulations and policies in each country concerning technology transfer. The seminar attracted a large number of Chinese and US government experts, academics from Beijing area universities in China, and university technology transfer personnel, who were given the opportunity to speak directly with their US counterparts about technology transfer issues. USPTO also conducted two trademark training programs with the China Trademark Office. The first program was the second in a series of workshops focused on fraudulent trademark filing, which refers to the practice of a party intentionally filing for another party's trademark to take advantage of the first-to-file trademark system in China. The second program, conducted at the USPTO's Global IP Academy, trained CTMO trademark examiners on trademark examination in an effort to help them improve the efficiency of examination. During this second program, both sides were also able to have frank discussions about the Chinese trademark law, which is now being amended.

In March, 2011, USPTO held a joint program with the Supreme People's Court in Shanghai, where both sides exchanged information on the topic of internet intermediate/joint liability. Attendees included judges from the Supreme People's Court and judges from provincial level courts in China.

In calendar year 2011, the USPTO conducted a total of thirty-seven intellectual property capacity building and technical assistance programs for developing countries in the South Asia region. In January, USPTO held a Residential Capacity Building Workshop on Intellectual Property Rights Law and Industry Perspective for Ministry Secretaries and Senior Civil Servants of Sri Lanka and a Residential IPR Capacity Building Program for the Anti-Piracy and Counterfeit Unit in Sri Lanka. In September, USPTO conducted a Workshop with Customs & NBR; a Workshop on Patents, Designs and Trademarks; and a Workshop with foreign agencies and International Organizations in Dhaka, Bangladesh. In December, USPTO held an IPR Policy Dialogue and Technical Workshop in Kathmandu, Nepal. In addition to these bilateral programs, USPTO sponsored a regional customs training program for participants from India, Pakistan, Sri Lanka, Nepal, the Maldives, Bangladesh, and Bhutan. Throughout the year, in India, USPTO conducted twenty-five programs on a wide range of topics. These programs were held in Ahmedabad, Bangalore, Chennai, Coimbatore, Delhi, Kanpur, Kolkata, Madhurai, Mumbai, Patna, Tirapur, and Tuticorian. These programs included several focusing on assisting SMEs in leveraging their IP assets, as well as "Copyright for librarians in the digital age," a "Roundtable on Innovations in Anti-Counterfeiting Technologies for Drugs," an "Exchange of Best Practices in the Area of Electronics and Computer Related Inventions Patents," a "Seminar on Protection of Plant Variety and Agricultural Biotechnology Inventions," a "Workshop on Collecting and Analyzing Forensic Data "For Computer Crime Incidents," several judicial colloquia, and numerous other anti-piracy and counterfeiting capacity building workshops. In addition to these activities organized in-country, approximately twenty officials from Afghanistan, Bangladesh, India, Nepal, Pakistan, and Sri Lanka participated in programs held at USPTO's headquarters in the Washington, DC area. These programs covered subject matter such as "IP and Green Tech Innovation," "Copyright in the Digital Age," "The Patent Cooperation Treaty and ISA/IPEA, and border enforcement of IPR.

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