

SCIT.ATR.TM.2008.US

Annual Technical Report 2008 on Trademark Information Activities submitted by United States of America (SCIT/ATR/TM/2008/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 2008, the USPTO received 293,526 applications for the registration of a trademark including 390,765 classes. Application filings decreased 3.6 percent, as measured by total classes filed. The decrease was 2.6 percent under prior year results.

The USPTO issued 194,447 certificates of registration plus renewed 39,458 marks in calendar year 2008. This represented an increase of 13.9 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. The Office has 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 continued to have a direct impact in 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 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. 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 site. Additionally, customers may access the internal search system at the Trademark Search Library in Alexandria, 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 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.

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

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

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.

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

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

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

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 significantly expanded its online archive of weekly issues of the Trademark Official Gazette ("TMOG") in November, 2008. The most recent 52 weeks of Trademark Official Gazette are now available for free through its web site at: <http://www.uspto.gov/web/trademarks/tmog/>.

Previously, only the most recent five weekly issues of the TMOG were available on the USPTO website.

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 100 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)

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

"Inspiring Invention" campaign

The USPTO continued its partnership with the Advertising Council and the National Inventors Hall of Fame Foundation to engage children in innovation. The partnership focused on reaching young people through a national ad campaign called "Inspiring Invention," which seeks to make inventing and developing new ideas part of American children's lives. Radio and TV commercials are now playing throughout the country with the message, "Anything's possible. Keep thinking." In July 2008, television and radio commercials as well as an updated interactive Web site for children were launched as the newest phase of the campaign.

Public Awareness Campaign

As part of the STOP initiative, the USPTO continued its intensive national public awareness campaign. For the fourth year in a row, the USPTO conducted outreach events around the country for small and medium-sized businesses. The USPTO conducted a highly anticipated event for small and medium-sized businesses designed to aid them in protecting their IP in a global marketplace, which was held in Baltimore, Maryland in June 2008. The USPTO also organized two China-specific events during FY 2008, which took place in San Jose, California, and Houston, Texas. More than 220 small and medium-sized enterprises (SMEs), attorneys, and other businesses attended these conferences. Large companies presented "Lessons Learned" and "Best Practices" to small business attendees and small businesses discussed the importance of IP protection.

The USPTO expanded its relationships with federal agencies who share the goal of bringing awareness of IPR to SMEs. The USPTO participated in five events with the Minority Business Development Agency (MBDA), providing awareness briefings and educational materials to nearly 800 hundred business owners, business development consultants, business development specialists and leaders in the minority business community. In February 2008, details of the initiative with this agency were rolled out in Ft. Lauderdale, Florida, to MBDA's management, and national business development staff. This was quickly followed by an invitation to participate in a White House Initiative on Asian American and Pacific Islanders conference in New York. Following the success of that event, in June 2008, the USPTO addressed and provided a work shop to 150 MBDA business center owners and business development specialists during MBDA's 2008 National Conference in Seattle, Washington. A return to New York in August 2008, for a Business-to-Business networking conference, provided a briefing and educational materials to more than 100 business owners. In September 2008, the nearly 700 participants in MBDA's 26th Annual National Conference to recognize the outstanding achievements of minority business enterprises, held in Washington D.C., were provided with information on the web-based IPR educational tool for SMEs located on www.StopFakes.gov, and the STOP! initiative literature.

Inventors Assistance Program

In 2008 the Inventors Assistance Program (IAP) conducted a number of outreach efforts throughout the United States. The IAP works with the National Inventors Hall of Fame to promote innovation and education to the independent inventor community through regional and annual inventors' conferences. The Office coordinates events with grassroots inventor organizations throughout the United States to facilitate and participate in outreach efforts. The IAP continued to establish relationships with science and engineering universities to educate students about the importance of intellectual property, the role the USPTO has in promoting the economy, and possibly encourage future careers at the USPTO. During 2008 the IAP continued visiting universities and colleges providing lectures, seminars and various other programs for students, faculty and staff.

The USPTO's IAP conducts on-line chats with the independent inventor community. Education about invention promotion firms and AIPA is an ongoing effort. Assistance is provided through accessibility to the complaint roster from the USPTO homepage, distribution of a scam brochure to the public, and access to a "scam line". The IAP participated in seventeen inventor conferences hosted by different inventor groups and an Annual Independent Inventor Conferences hosted by the USPTO during 2008.

The USPTO has increased its outreach efforts both to inventors and to students. Regional and Annual Inventor conferences were held as well as IP workshops at universities across the country. Public awareness about invention promotion firms was increased via the USPTO web site. Participation and workshops were conducted at casting calls to talk to inventors in a show called "Everyday Edison's". During 2008 the IAP participated in each of the 5 casting calls offering education and advice to close to 2500 inventors. The Office has also assisted in exhibiting and participating in Robotics Competitions for students.

Increased outreach to Universities was conducted during the Fall and Spring semesters visiting 70 schools and reaching an audience of approximately 10,000 students. The Office also began posting USPTO podcasts on I-tunes to expand our continuing outreach efforts.

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

The USPTO offers various ongoing 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 (IPR). They also provide intellectual protection enforcement training. The majority of the USPTO programs last one week. The goal of its 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 protection and enforcement. This Academy also encompasses the USPTO Visiting Scholars Program that was created in 1985 and provides participants from foreign countries with classroom and hands-on study of the United States' system for protecting intellectual property. Through GIPA, 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 goals of the program are to foster a better understanding of international intellectual property obligations and norms, to expose participants to at least one method of providing TRIPs (Trade-Related Aspects of Intellectual Property Rights) level protection for a variety of intellectual property disciplines, and to promote discussion of intellectual property issues in a friendly and supportive environment.

In FY 2008, the USPTO signed a memorandum of Agreement with the World Intellectual Property Organization (WIPO) to administer a "Funds in Trust" for providing services to implement projects relating to conducting regional training workshops on enforcement of intellectual property rights. The USPTO and WIPO are to co-sponsor up to 10 workshops over the next five years for government and industry representatives in one or more of the WIPO member states.

The Enforcement Group partnered with numerous international and non-governmental organizations in designing and delivering technical assistance programs, including the Association of South East Asian Nations (ASEAN), World Intellectual Property Organization (WIPO), and Asia-Pacific Economic Cooperation (APEC), Bureau for International Narcotics and Law Enforcement Affairs (INL), Caribbean Community (CARICOM), and carried out a range of capacity-building programs under the auspices of the Middle East Partnership Initiative (MEPI).

In Latin America, the USPTO participated in a border enforcement program conducted by Honduran customs. The USPTO partnered with the U. S. Embassy in Santiago, Chile, to deliver a two-city program for Chilean judges covering the issue of IP enforcement in March of 2008. Also, an enforcement workshop for Latin American judges and prosecutors was held at the USPTO's Headquarters, in May of 2008, which focused on a variety of enforcement issues. Through partnership with INL the USPTO held an enforcement workshop for judges in Colombia in June 2008. In August 2008, through partnership with INL, the USPTO conducted an enforcement program for Brazilian judges.

Through partnership with MEPI, programs were provided that focused on a variety of enforcement issues including in February 2008: MEPI-funded USPTO IPR Enforcement Workshops, Muscat, Oman - for Oman law enforcement, customs and judicial officials; March 2008: MEPI-funded USPTO Copyright Enforcement Workshop, Tunis, Tunisia - for Tunisian law enforcement, customs, and judicial officials; April 2008: MEPI-funded USPTO Study Tour Program for various Middle Eastern judges and public prosecutors. In July 2008, the USPTO conducted a customs workshop for Jordanian customs in Amman, Jordan.

In Asia, the USPTO conducted intellectual property protection and enforcement programs that included a program in Taipei, Taiwan in conjunction with Taiwan Ministry of Education on Copyright Protection over Campus Networks, in February of 2008. In May 2008, the USPTO conducted, in conjunction with the U.S. Embassy and the Intellectual Property Office of Mongolia, an IP Criminal Trial Procedures for judges and prosecutors in Mongolia.

The Foreign Commercial Service at the U.S. Embassy in Egypt, in conjunction with the USPTO, co-sponsored a seminar on Border Enforcement of Intellectual Property Rights in Cairo and Port Said in April of 2008. Close to 200 customs officers were trained from those two cities.

In Africa, the USPTO, together with WIPO and the South African Department for Trade and Industry, conducted a customs regional workshop in Pretoria, South Africa. Additionally, the USPTO in cooperation with CARICOM conducted a regional workshop in IP enforcement in Barbados in July 2008.

In the European Union, the USPTO conducted an IP border enforcement program in Estonia in March of 2008. Through partnership with INL, the USPTO conducted a workshop on IP border enforcement for Turkish customs officials in Turkey in May 2008. Likewise, in July 2008, the USPTO conducted a workshop focused on protection and enforcement of copyrights for Greek government officials, in Greece, in June 2008. Through partnership with WIPO, the USPTO conducted an IP enforcement workshop for prosecutors in July 2008.

In FY 2008, the USPTO conducted over 20 GIPA programs at its headquarters. This number included several enforcement programs conducted in the Washington D.C. area for foreign officials including six Enforcement programs on intellectual property enforcement.

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