

SCIT.ATR.TM.2006.AU

Annual Technical Report 2006 on Trademark Information Activities submitted by Australia (SCIT/ATR/TM/2006/AU)

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

Applications Total

2005 - 93146

2006 - 100623 (8.0% increase)

Applications Madrid – International Registrations Designating Australia

2005 - 15491

2006 - 18790 (21.3% increase)

Registrations

2005 - 62204

2006 - 69865 (12.3% increase)

[Note: Australia provides for multi-class applications and the figures above are in classes.]

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

Applications, registrations and International Registrations Designating Australia (IRDA's) all continued to trend upwards. IRDA's had a significantly higher increase than applications, 21.3% cf 8.0%.

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

Australian trademark statistics are available at the following URL: <http://www.ipaustralia.gov.au/about/statistics.shtml>

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

Publishing, printing, copying techniques

The Australian Official Journal of Trade Marks (the Trademark Gazette) is published weekly. There are 50 issues per year - the Easter and Christmas weeks being excluded. The Journal is available on-line, free of charge, via the IP Australia Internet site and contains both bibliographic text and images. Hard copy journal publication has been discontinued.

Standard Notices and Letters are produced via the Trade Marks mainframe business application as XEROX XICS output.

Examination Reports are generated in Word format.

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

The Official Journal contains the following announcements:

- Applications Filed
- Applications Accepted for Registration
- Amendments and Changes
- Applications Lapsed Withdrawn and Refused
- Trade Marks Registered
- Assignments, Transmittals and Transfers
- Cancellation of Entries in Register
- Renewal of Registration of Trade Marks
- Opposition Proceedings
- Removal for Non-use Proceedings
- Official Notices

The IP Australia web-site also provides access to a variety of forms and publications, IP Legislation, Official Notices, Hearings Decisions, Practice & Procedure Manuals, etc.

Mass storage media and microforms used

The Office's bibliographic data is maintained on an ADABAS Natural (zOS) mainframe. Trade Mark images (devices) are stored in a Unix file directory. The Office also utilises an e-case (Electronic Document Management System) repository which contains all documentation relating to the prosecution of applications.

Word processing and office automation

Journal production is fully automated, apart from the inclusion of ad-hoc notices which are produced in Word. Examination reports are composed in Word using a set of word processing standard paragraphs. Standard notices for administrative actions are automatically despatched from the Trade Mark mainframe system.

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

As mentioned above, bibliographic data (ADABAS as XEROX XICS output) and images from Unix are merged for Journal production.

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

The Australian Official Journal of Trade Marks can be accessed at the following URL: <http://pericles.ipaustralia.gov.au/ols/epublish/content/olsEpublications.jsp>

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)

Australia classifies goods and services according to the Nice Classification. Australia implemented the 9th Edition of Nice on 1 January 2007, with all applications filed on or after that date being classified according to the 9th Edition. No reclassification of applications/registrations filed prior to 1 January 2007 was undertaken.

Australia does not use the Vienna Classification scheme to classify the figurative elements of marks. Rather, figurative elements are classified (and searched) according to a glossary of device terms developed by the Office. For example, the WIPO device is indexed as follows:

1 ANNULUS 2 CONCENTRIC
3 HAND 4 PEN
5 BOOK, OPEN 6 GRAIN, EAR
7 VIOLIN 8 WHEEL, GEAR
9 MUSICAL-INSTRUMENT 10 CIRCLE+
11 ROUND 12 ROUND+

Each device term may then be used as a search criteria, either singularly or in combination, in order to locate marks with similar device characteristics.

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

Applicants are not obliged to use pre-defined classification terms. Checking of goods or services statements is performed manually where the statement is furnished by the applicant.

In 2005, Australia introduced a new on-line application form (e-form) which allows selection of goods/services relating to a Trade Mark via a set of pre-defined classification terms (Pick-list). In March 2007, a reduced fee was introduced for applicants who specify their goods/services by use of the Pick-list. The fee reduction has resulted in over 50% of electronic filers using the Pick-list functionality. Goods and services statements provided via the Pick-list functionality require no manual checking.

The terms in the Pick-list are also those which form the basis of the Goods and Services help within the Trade Mark database, ATMOSS.

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

There is no obligation for applicants to use pre-defined terms. As mentioned above, the Trade Mark e-form gives applicants the choice to use a pre-defined set of terms (Pick-list) at reduced cost or alternatively to specify their own goods/services.

Bibliographic data and processing

Bibliographic data is stored against each trade mark application in the ADABAS Natural business administration system. Transaction history records are created as this data is updated during the life-cycle of the trade mark. The business administration system allows access to this data via a variety of search utilities. Whilst the search utilities are used primarily for internal purposes, some of IP Australia's larger customers (mainly trade mark attorneys) access a sub-set of these utilities via a terminal emulator over the internet. Additionally, data from the ADABAS Natural system is carried in real time to the Australian Trade Marks On-line Search System (ATMOSS) – a mid-range ORACLE web-server application. ATMOSS allows both internal and public access to bibliographic data, and trade mark images, via the IP Australia internet site, and most customers now use this application in preference to the mainframe.

IV. Trademark manual search file establishment and upkeep

File Building

The EDMS e-case file is established for each trade mark application on filing. The EDMS has been developed in-house using a proprietary Australian EDMS product, Objective. The system is known as TRACS; the Trade mark Records, Applications and Correspondence System.

Updating

The TRACS e-case file is updated (added to) as correspondence is received from the applicant/agent or third party, and additionally, as it is generated by the Office. TRACS also contains the search material considered by the examiner during the course of substantive examination, and will also contain information relating to Opposition matters if the application proceeds along such a path.

Storage, including mass storage media

The TRACS case file stores a variety of Word, Adobe pdf, and XML files.

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

None.

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

Searching for conflicting marks can be conducted via the mainframe application or ATMOSS. All searching by examiners is conducted through ATMOSS with search extracts then forming part of the search file in TRACS.

External databases

The Office has developed a simple utility to search a number of external databases - principally dictionaries, gazetteers, reference titles, etc - so as to streamline distinctiveness searching. Examiners routinely search the Internet for the same purpose.

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

As mentioned previously, the primary business system is the ADABAS Natural mainframe application, TMARK, running on IBM zOS. TMARK interfaces to a number of satellite applications, eg Word for production of reports, XICS for publishing output, a couple of mid-range applications for EDI under the Madrid Protocol, an automated data capture utility (ADC) for capturing data received electronically, and ATMOSS. Document management is handled via TRACS.

All processing relating to the life-cycle of a trade mark (apart from financial processing) is conducted within this environment. The Trade Mark Office, along with the Patent and Design Offices in IP Australia is in the process of transitioning our business applications from the mainframe to our strategic server infrastructure environment. This environment includes Sun Solaris, Oracle RDBMS, J2EE, BEA Weblogic, and Objective EDMS.

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

The Canberra Office has an ethernet-based LAN providing high speed bandwidth for each user desktop connection. A frame relay-based WAN provides connections from Canberra to each State Capital. A DMZ-based, DSD approved firewall using IAN ports (Internet IEFT Assigned Numbers) provides the secure means to allow access from internal systems/users to external entities such as the Internet or public/private organisations.

The current SOE includes Windows XP with Office SE 2003, IE 6.0 SP1, and Lotus Notes.

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)

Planning, administration, automation, security

IP Australia has State Offices in each of the Australian State Capitals providing public access to a range of services, including filing, searching, official publications, registers and general advice and information. Increasingly, IP Australia is using its web site as a means of providing an alternative means of public access to these services, as well as new services such as electronic filing (currently approximately 55% of trade mark applications are filed online) and trade mark searching via ATMOSS. IP Australia is currently finalising the design of a system to support business-to-business data exchange of patents, industrial designs and trade marks transactions with its high volume clients (Patents and Trade Mark Attorneys). This system will be consistent with WIPO electronic filing and National e-commerce standards.

Collection management, preservation

All Australian Trade Mark records/documents are handled in accordance with Office procedures set down under Australian Law and archiving practices.

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)

Information services are available on the IP Australia website and at State Offices.

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.

Information on the Trade Mark process in Australia is available at the following URL: <http://www.ipaustralia.gov.au/trademarks/index.shtml>

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), trademark databases, etc.), as well as information on how to access and utilize them

As above.

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

Largely restricted to the Official Gazette which is available to all on-line.

Exchange of machine-readable information

SGML/XML (MECA) exchange between IP Australia and the IB.

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.)

Education Products

Smart Start, IP Australia's small business education product was updated, with a new web site and email newsletter launched to make information widely available. Smart Start continued to be IP Australia's most popular public information product, and was selected as a case study for the European Commission's Benchmarking IP Support Services for SMEs project. The development of an online version of IP Australia's commercialisation education product, IP Toolbox, was launched in late 2006.

Home-Based Business Seminars Initiative

IP Australia supported the Home-Based Business seminar initiative of the Office of Small Business by hosting presentations on intellectual property issues for small business. The seminars were delivered in more than 70 locations across regional Australia enabling home-based businesses to learn how intellectual property affects them.

World IP Day 2006

A public relations campaign was undertaken for World IP Day, which is celebrated each year on April 26, to increase public awareness of intellectual property and its role in supporting Australian innovation. In support of this campaign, a series of events were held in capital cities in cooperation with the Australian Innovation Festival, which was officially aligned with World IP Day for the first time. The campaign was highly successful and resulted in broad media coverage and strong participation rates for World IP Day events.

New IP Media Centre web site and Journalists' Guide

IP Australia launched a new Journalists' Guide to Intellectual Property supported by a new IP Media centre web site to promote better understanding and reporting of intellectual property issues in the media. There was a noticeable increase in the number of media enquiries received by IP Australia since the launch of the Journalists' Guide and IP Media Centre.

Plant Breeder's Rights web site

A new web site on plant breeder's rights was launched by the Parliamentary Secretary to the Minister for Industry, Tourism and Resources. The web site is hosted by the Australian Centre for Intellectual Property in Agriculture and is aimed at improving the understanding of all aspects of the Australian PBR systems, and includes comprehensive information on case law, commercialisation, enforcement and the relationship of PBR to other intellectual property rights.

On 2 July 2006, IP Australia marked the 100th anniversary of the first federally registered trade mark in Australia. To celebrate this milestone IP Australia coordinated a range of activities to help raise the levels of awareness and understanding of trade marks within the Australian community.

Training courses for national and foreign participants

In 2005/2006, IP Australia assisted the Kingdom of Nepal to develop its IP systems and provided training to assist Nepal to comply with the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement. The project was funded by AusAID and included trade mark education and examination training, public outreach training and development of a website for the Nepal IP Office. Deliverables included trade mark education and examination training was provided to over 25 NIPO personnel as well as several sessions on public education and awareness strategy.

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

From 26 - 30 June 2006, IP Australia's officials visited the National Office of Industrial Property (NOIP) in Viet Nam under the auspice of the APEC TILF Public Education and Awareness program. This project aims to provide resources and training to assist Viet Nam to undertake their own public education and awareness programs.

The Registrar and the Copyright Officer from the PNG IP Office visited IP Australia from 17 - 19 July 2006. Discussions focused on the development of public education and awareness programs, the development of supporting resources and to undertake training to support the management of web sites.

IP Australia hosted a senior delegation from the Nepal IP office on 15-17 February 2006, as the final phase of the AusAID funded institutional development project.

Senior officials from the Malaysia IP Office (MyIPO) visited IP Australia in March 2006. Presentations and discussions concentrated on new kinds of trade marks, an area of concern for MyIPO.

IP Australia, in conjunction with the IP Office of Singapore and the Hong Kong IP Department, delivered an APEC IPR Public Education and Awareness Platform project in 2006. The project equipped developing APEC Member Economies with the skills, tools and resources to implement public education and awareness campaigns which promote the protection and enforcement of IPR in the region. The principal activities of the project were:

- A workshop on Effective Strategies for IPR Public Education to share experiences and knowledge on IPR campaigns with developing economies – November 2006 in Hong Kong, China.
- An online communications platform of IPR public education and awareness resources, which can be tailored to meet the needs of developing economies –delivered just prior to the workshop in November 2006

IP Australia hosted a workshop on the Development of a Regional Approach to the Management of Intellectual Property, Suva, Fiji, 6 – 10 March 2006 for Pacific Island Countries. Subsequent to the workshop, IP Australia and Pacific Island Countries developed a draft agreement to establish a regional trademark application system for the Pacific.

Main trademark and industrial property information magazines/journals published in the country or region of the Office

All journals and official notices & online services

<https://pericles.ipaustralia.gov.au/ols/ecentre/content/olsHome.jsp>

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://www.ipaustralia.gov.au/resources/legislation_index.shtml

contain the Annual Report of the Office

annual reports and publications

http://www.ipaustralia.gov.au/resources/forms_general.shtml

contain trademark-related news regarding the Office

http://www.ipaustralia.gov.au/resources/news_new.shtml

X. Other relevant matters