

# CWS.ATR.TM.2011.BG

## Annual Technical Report 2011 on Trademark Information Activities submitted by Bulgaria (CWS/ATR/TM/2011/BG)

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

As a part of the process of harmonization of Bulgarian legislation on protection of marks and geographical indications with the European one, significant amendments of the Law on Marks and Geographical Indications (LMGI) were adopted in 2010. They mainly affect the procedure for registration, which develops before the Patent Office of the Republic of Bulgaria and shall consist of removing the examination on substance carried out ex officio by the Office on the grounds set out in Article 12 of the LMGI (earlier rights), and transition to the opposition system.

Under the new system, the examination on substance of the application only involves checking whether the sign applied is capable to perform the basic functions of the mark – to be capable to distinct the goods and/ or the services of one person from these of other persons (Article 11 of the LMGI – absolute grounds for refusal of registration). After this verification, trade mark application is published in the Official gazette of the Office and in 3 months period from the publication of the application, the holder of an earlier mark in the sense of Article 12(2) and (3) of the LMGI, the exclusive licensee of an earlier mark, the actual owner of a non-registered mark, used in commercial activity on the territory of the Republic of Bulgaria and applied for registration, as well as a holder of a mark, applied for by an agent or representative of the holder without the consent of the latter, may file an opposition on the grounds of Article 12(1) of the LMGI (Article 38b(1) of the LMGI).

With regard to international registrations in which Republic of Bulgaria is a Designated contracting party, they shall be published in the Official gazette of the Office within one month from notification of the Office for the international registration by the International Bureau (Article 37b(3) of the LMGI). Oppositions against the recognition of the effect of an international registration on the territory of the Republic of Bulgaria shall be filed between the 6th and the 9th month after the publication of the international registration in the Official gazette of the Office (Article 38b(3) of the LMGI).

When no opposition has been filed or the opposition has been fully or partially rejected as unfounded in a decision that has entered into force, the Office takes a decision to register the mark, respectively to recognize the registration of the international registration in the territory of the Republic of Bulgaria.

With the amendment of the LMGI, the Patent Office of the Republic of Bulgaria aims to meet the expectations of users of the system by creating a registration process that meets established in our country market relations in which the assessment of the registration of the mark depends on numerous factors and in particular the recognition of mark on the market and business interests of its owner.

The aim of the new regime is to accelerate the expertise and to achieve a full compliance of the system that provide protection of marks in the Republic of Bulgaria to that provided in Regulation 207/09 of the EU and implemented in a significant part of the member states the European Union.

Changes related to the opposition procedure came into force on March 10, 2011.

#### Applications:

- submitted under the national route - 4490 (4058 from Bulgarian applicants and 432 from foreign applicants) which is 8% decrease with respect to 2010 (4860).
- submitted under the Madrid Agreement and the Madrid Protocol - 2157 which is 3.5% decrease with respect to 2010 (2235).

#### Oppositions filed:

- 179 oppositions have been filed during the 2011. 175 of them have been filed against national applications and 4 of them have been filed against the international registrations.

#### Registrations:

- National route - 2854 which is 28% decrease with respect to 2010 (3975).
- Madrid Agreement and the Protocol - 1311 which is 47 % decrease with respect to 2010 (2490).

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

Compared to 2010, in 2011 there was a slight decrease in application activity via national and international route. The major decreases in registrations are mainly due to the legislation changes – introducing of the opposition procedure and bringing to an end of the ex-officio examinations

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

[http://www1.bpo.bg/index.php?option=com\\_content&task=view&id=23&Itemid=150=en](http://www1.bpo.bg/index.php?option=com_content&task=view&id=23&Itemid=150=en) (link to Annual Reports section)

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

## **Publishing, printing, copying techniques**

The Patent Office of the Republic of Bulgaria (BPO) publishes applications for national trademarks and registered national trademarks as well as international trademarks designating the territory of the Republic of Bulgaria in the Official Bulletin which is a monthly edition. As from April 2009 the paper version of the Bulletin has been discontinued and nowadays it is published exclusively in electronic form - DVD, and on the Office's official web site simultaneously.

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

The publications in the Official Bulletin comprise bibliographic data and images (in color, if claimed) of national trademark applications and registrations as well as international trademarks registrations designating Bulgaria (as from March 2011). Besides, announcements concerning all entries in the State Trademark Register - changes in the legal status, renewals, modifications, cancellations, transfers of rights, license agreements etc., have been published regularly in the Bulletin .

## **Mass storage media and microforms used**

The bibliographic data and images are stored in our administrative management system Common Software (CS). The Office maintains a complete history of its trademark files in paper form (dossiers) and parts of it such as bibliographic information in electronic form.

## **Word processing and office automation**

Windows XP, MSWord 6.0, MSWord 2000, Page Maker 6.5 plus. National trademarks and applications are searchable through our on-line tool "BPO On-line". It provides a range of search options including name of applicant or holder, Nice classes, Vienna classes, application filing date, registration date, application and registration number, TM denomination etc. This on-line search tool is in constant relation with the administrative system and database CS.

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

A publishing system with a HP Scan Jet scanner, a laser printer HP Laser Jet, PC Intel Pentium Based with Windows XP as OS and Page Maker 6.5 plus. All data including figurative elements are extracted from our administrative management system CS.

## **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**

- Official Bulletin of the Patent Office of the Republic of Bulgaria -[http://www1.bpo.bg/index.php?option=com\\_content&task=view&id=167&Itemid=269](http://www1.bpo.bg/index.php?option=com_content&task=view&id=167&Itemid=269)  
- Online search tool - BPO On-line - [http://212.122.185.80:8080/bpo\\_online](http://212.122.185.80:8080/bpo_online)

## **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)**

Goods and services for the registration of marks and the figurative elements of marks are classified by our Office using the Nice International Classification of Goods and Services and the Vienna International Classification of the Figurative Elements of Marks in their latest editions. They are maintained and used both on paper and electronically.

**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**

N.A.

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

The use of pre-defined terms of the Nice classification is only recommendation when applying for registration of marks and geographic indications.

## **Bibliographic data and processing**

BPO maintains on-line searchable bibliographic data for applications and registered trademarks via internet tool "BPO On-line".

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

### **File Building**

The dossiers of the national trademarks are stored, in two separate collections in paper format only:

Registered trademarks - in numerical order under the registration number;

Refused trademarks - in numerical order under the application number.

The dossiers of the international trademarks designating Bulgaria are stored in numerical order under the number of the international registration - MI (marques internationales) documents.

The dossiers of the international registrations with a subsequent territorial extension for Bulgaria (so called ET (extension territoriale) documents) are given a separate number forming part of a sequential numbering system and are stored in numerical order.

The dossiers of the trademark applications filed by Bulgarian applicants via the Madrid system are given a separate number forming part of a sequential numbering system and are stored in numerical order. In addition, a correspondence list including the corresponding numbers of the international registrations is available as well.

## **Updating**

The files are regularly updated.

## **Storage, including mass storage media**

BPO maintains all data concerning applications and registered trademarks on paper carrier (dossiers) and only some of them in electronic form in the administrative management system CS.

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

ROMARIN CDs, DVDs from WIPO and Community Trademarks Bulletin on CDs from OHIM are received regularly.

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

## **In-house systems (online/offline)**

Common Software (CS) v. 3.30 - administrative management system;

Accepto v. 7.0.6.7 - search system for examiners;

Romarin, DVD collection - International Trademark Information Database

BPO On-line - web-based service for public access to information of the applications and registered trademarks in BPO.

## **External databases**

USA databases on CD-ROM - CASSIS

CTM ONLINE database on OHIM's web-site;

Article 6-ter database on WIPO's web-site;

ROMARIN database on WIPO's web-site;

NIVILO CD-ROM;

TMView database

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

In the field of trademarks, BPO uses Common Software v. 3.30 as an administrative management system.

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

Hardware: Server: HP rp 3400;

Software: HP UNIX

Workstations: Intel Pentium based PCs under Windows XP/Windows 7, about 60;

Server: UNIX 11.xx as OS, Informix v. 7.31.FD5 as DBMS

Workstations: Windows XP/Windows 7 as OS, MS Office as documents management, etc.;

Carriers used: CDs, DVDs.

# **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**

Paid information services on request available to the public through the Patent Office are as follows: Identity and similarity search; Searches related to the legal status; Searches on names; Complex searches, Number search on mark, Search on CTMs and marks under the Madrid Agreement and Protocol; Issuing of certificates for legal status;

All the searches are carried in house and in the available collections of national marks, international marks and CTMs, 6 ter, etc. The security is based on a different level of access.

The trademark information is accessible on the World Wide Web of BPO through the on-line search system for Trademarks - "BPO ON-LINE".

The Central Patent Library provides to the public access to the Official Bulletins from foreign countries, to the CD collections and Internet databases containing trademark information.

Since 2007 the BPO has been participating in the development and successful implementation of a project in the sphere of examinations of marks, called CETMOS (Central European Trade Mark Observation Service), together with eight other countries: Austria, Poland, Romania, Slovakia, Slovenia, Hungary, Republic of Croatia and Czech Republic. CETMOS is an English language platform which enables the clients to order against payment a trade mark search for the territory of the nine countries (for national and/or international marks as well as for CTMs) by filling in an electronic form. The result of the search is sent to the applicant in electronic form within six weeks. The aim of the project is to help the applicant to choose the proper strategy for the registration of its TM and at the same time the TMs owners to keep up with the TMs infringements or abuse.

## **Collection management, preservation**

The trademarks search file (bibliographic data) is managed in electronic form. Data is extracted and updated simultaneously from our administrative management system CS. A structured backup regime is in place to ensure preservation of the information.

## **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)**

BPO Online - <http://www1.bpo.bg/index.php?lang=bg>

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

N.A.

## **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.**

[http://www1.bpo.bg/index.php?option=com\\_content&task=view&id=14&Itemid=361=bg](http://www1.bpo.bg/index.php?option=com_content&task=view&id=14&Itemid=361=bg)

## **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**

BPO-Online - [http://212.122.185.80:8080/bpo\\_online](http://212.122.185.80:8080/bpo_online)

The BPO was actively involved in the TMView project with a single-handed product and joined the production environment of the system in December 2010.

## **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**

BPO collects the WIPO Gazette of International Marks, on paper and CD, and the "ROMARIN" - on DVD as well as the Bulletin of OHIM - on CD ROM and the official bulletin of other IP offices. BPO sends out its Official Bulletin on DVD to 41 foreign countries and more than 60 national institutions including the local PATLIB centers and university IP Points.

### **Exchange of machine-readable information**

Export of information in the field of trademarks and geographical indications to Thomson Reuters and to OHIM within the TMView project but for the time being there is not exchange of machine-readable information.

## **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.)**

1. Activities carried out in execution of the Technical cooperation agreement between OHIM and BPO - 2011:
  - Organization of 1 workshop on Community trademark (CTM) and Registered Community design (RCD);
  - Reproduction of 3 already published according to previous Technical Cooperation Agreements collections of articles, studies and analyses of OHIM's practice and the practice of the EU courts in CTM and RCD matters;
  - Creation and publication of a Practical Guide including articles, studies and analyses of the application of the legislation in CTM and RCD matters;
  - Creation and publication of a Practical Guide for filing oppositions against the registration of CTM before OHIM;
  - Creation and publication of 2 brief leaflets on TMView and Euroclass;
  - Maintenance of Seniority database.
2. Interregional Symposium on "The Strategic Use of Madrid System for Business Development", jointly organized by WIPO and BPO.

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

Training courses in the field of trademarks and geographical indications for IP representatives.

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

None

## **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://www1.bpo.bg/index.php?option=com\\_content&task=view&id=18&Itemid=41](http://www1.bpo.bg/index.php?option=com_content&task=view&id=18&Itemid=41)

**contain the Annual Report of the Office**

[http://www1.bpo.bg/index.php?option=com\\_content&task=view&id=23&Itemid=150](http://www1.bpo.bg/index.php?option=com_content&task=view&id=23&Itemid=150)=bg

**if necessary, provide further information related to the topics referred to in the current ATR**

N.A.

**provide open source codes related to trademark information systems**

N.A.

**contain trademark-related news regarding the Office**

<http://www1.bpo.bg/index.php?lang=bg>

**X. Other relevant matters**