

SCIT.ATR.TM.2006.US

Annual Technical Report 2006 on Trademark Information Activities submitted by United States of America (SCIT/ATR/TM/2006/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 2006, the USPTO received 279,491 applications for the registration of a trademark including 362,322 classes. Application filings increased 5.5 percent, as measured by total classes filed the increase was 8.2 percent over prior year results.

The USPTO issued 153,312 certificates of registration plus renewed 40,399 marks in calendar year 2006. This represented an increase of 26.1 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 Offices 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 USPTOs 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. In 2006 the Office reduced the process cycle time by one week and continues to believe that there is the potential to further reduce 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 examiners 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 employees desktops (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 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 the 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 Arlington 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 a MS Windows based rich client application.

IV. Trademark manual search file establishment and upkeep

The USPTO does not maintain a manual search file for internal use. All searches performed by examiners are completed 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 databases 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, administrative support, etc.)

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.

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 makes the most recent 5 weeks of Trademark Official Gazette available for free through its web site at: <http://www.uspto.gov/web/trademarks/tmog/>.

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 101 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)

The USPTO offers various 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. They also provide intellectual protection enforcement training. The goal of the 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 property 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 U.S. 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 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 2006, the USPTO conducted 17 GIPA programs for foreign officials at its headquarters. One of these included an additional four-city study tour for 21 judges and prosecutors from seven different countries in the Middle East and Northern Africa that highlighted U.S. government and private industry/rights holder initiatives to combat IPR theft and infringement. The program also provided the participants the opportunity to interact with U.S. judges, prosecutors, and private rights holders to learn more about the harm caused by IPR infringement. Another initiative, with 19 Middle Eastern and Northern Africa librarians and legal advisors participating, continued its program by touring seven U.S. cities where participants were provided information on how to modernize their libraries and implement library information management in their countries while balancing the needs for stronger intellectual property protection and enforcement to stimulate research and education.

The USPTO partnered with numerous international and non-governmental organizations in designing and delivering technical assistance programs including the Association of South East Asian Nations (ASEAN), United Nations Economic Commission for Europe (UNECE), International Intellectual Property Institute (IIPI), World Intellectual Property Organization (WIPO), Asia-Pacific Economic Cooperation (APEC), Secretariat for Central American Integration (SIECA), Bureau for International Narcotics and Law Enforcement (INL), and carried out a range of capacity-building programs under the auspices of the Middle East Partnership Initiative (MEPI).

The USPTO conducted programs in Europe and central Asia including: UNECE Intellectual Property Advisory Group consultations with Romania and Turkey; Commercial Law Development Program Workshop on the Implementation and Coordination of IP Border Enforcement for 35 customs officials from Russia and Ukraine; Intellectual Property Enforcement program for government officials in Lithuania; Intellectual Property Enforcement program for government officials from new EU member states on copyright infringement in the digital environment in Estonia; and a joint USPTO-Patent Office of the United Kingdom-Slovenian Intellectual Property Office workshop on IPR border and market enforcement in Slovenia.

In Asia, the USPTO conducted intellectual property protection and enforcement programs that included: ASEAN-USPTO Workshop on Optical Media Regulation and Enforcement; Bangkok, Thailand; International Association for the Protection of Intellectual Property Japan IPR Enforcement Symposia on Anti-Counterfeiting, Tokyo and Fukuoka, Japan; US-Vietnam Trade Council Program in Ho Chi Minh City, Vietnam; Combating Internet Piracy, Taipei, Taiwan; Intellectual Property Enforcement Program for 28 judges from Vietnam in Ho Chi Minh City, Vietnam;

USPTO/ASEAN Workshop on IP Office Administration and Enforcement for 88 government officials from 12 countries in the Asian region in Bangkok, Thailand; IP training program for the Thai IP Court in Bangkok, Thailand; IPR Enforcement Program in Phnom Penh, Cambodia; a training program on IPR Enforcement for 29 government officials in Jakarta, Indonesia; International IP Enforcement training event in Delhi, India; four IP enforcement training seminars throughout India; and intellectual property protection and enforcement workshops and public awareness seminars in Ulaan Baatar, Mongolia.

In addition, the USPTO participated in the following programs: IP Judicial Education Program for 36 judges from four Asian countries in Bangkok, Thailand; meeting and training with Government of Vietnam officials regarding amending intellectual property enforcement laws in Vietnam; ASEAN Regional Workshop on IP Enforcement for prosecutors in Kuala Lumpur, Malaysia; ASEAN Workshop on IP Enforcement on Optical Media Piracy for 85 regional government officials in the Philippines; U.S.-Malaysia Roundtable event on IPR enforcement with government officials and business in Malaysia; and Judicial Education Workshop on IP Law and Civil Procedures with USAID for 70 judges in Vietnam.

Through partnership with MEPI, programs were provided that focused on a variety of enforcement issues including: IPR Enforcement Seminar for Kuwaiti officials in Kuwait; Workshop on IP Enforcement for 70 enforcement officials in Kuwait; USPTO/MEPI Border Enforcement seminar for over 20 Moroccan Customs officials in Casablanca; and USPTO/MEPI IPR Enforcement program for copyright officials in Rabat, Morocco. The USPTO also participated in the following programs: USPTO/MEPI regional judicial workshop for judges on IP Enforcement in Dubai, United Arab Emirates; USPTO/MEPI regional workshop for prosecutors on IP Enforcement in Oman; and MEPI regional customs program for 43 government officials in Bahrain. In addition, a special program and study tour was conducted for Middle Eastern librarians and information legal advisors on copyright protection and library management in the digital environment.

Technical assistance programs were offered in Africa including a USPTO-IIPI Botswana program on Making IP Work for Development.

In the Americas and Caribbean, the USPTO organized and/or participated in intellectual property protection and enforcement programs that included: a program on the Enforcement of Intellectual Property Rights at the border for customs officials in Lima, Peru; USPTO/SIECA intellectual property training for judges and prosecutors from seven regional countries in Antigua, Guatemala; a conference for police and prosecutors in San Pedro Sula, Honduras; and a conference for Honduran diplomats in Tegucigalpa, Honduras focusing on intellectual property enforcement obligations under DR-CAFTA.

Several enforcement programs were conducted in the Washington D.C. area for foreign officials including: USPTO Enforcement Academies; the USPTO-WIPO Academy for the Judiciary on the Enforcement of Intellectual Property Rights ; a week-long Enforcement seminar followed by a study tour of the United States for 21 judges and prosecutors from countries throughout the Middle East and North Africa; and Global Intellectual Property Academy (GIPA) training and seminars on intellectual property enforcement including those for the MEPI region and for DR-CAFTA countries plus Belize and Panama.

The USPTO continued technical assistance offered in China, with a focus on providing the provinces with capacity-building programs related to civil, criminal, and border enforcement. In addition to enforcement programs, the USPTO hosted various seminars on substantive intellectual property rights issues, including a seminar on the protection of geographic indications through use of a trademark system in Beijing and Xiamen and a seminar on Traditional Knowledge and Genetic Resources with the China State Intellectual Property Office (SIPO) in Beijing and Kunming.

The USPTO hosted various delegations from China, both from Beijing and from the provinces. The visitors have included Chinese officials from Shanghai and Guangzhou, as well as intellectual property officials from Guangdong, Hubei, and Zhejiang provinces. These officials visited the USPTO to learn about our legal system, the administrative procedures followed by the USPTO, how IPRs are protected and enforced in the U.S., and the functions and responsibilities of the USPTO and other government intellectual property related agencies.

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