

SCIT.ATR.TM.2005.US

Annual Technical Report 2005 on Trademark Information Activities submitted by United States of America (SCIT/ATR/TM/2005/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 2005, the USPTO received 247,565 applications for the registration of a trademark including 334,741 classes. Application filings increased 7 percent, as measured by total classes filed the increase was 9.9 percent over prior year results.

The USPTO issued 121,556 certificates of registration plus renewed 33,255 marks in calendar year 2005. This represented an increase of 6.9 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. Additional reductions in process time are expected in the near future, as this process possesses 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> currently 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 are currently being captured.

Word processing and office automation

The USPTO continues to revise and expand the word processing templates that support examiner correspondence. The most recent revisions are based on the newly revised version of the Trademark Manual of Examining Procedure (TMEP). In most instances, all information and resources needed to process new applications is available electronically at the employees' desktop.

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

As described above, the Office had automated its photocomposition process. Previously, the Office extracted all character data from the central database and manually included the design elements, the process now performs fully automatic layout of 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 new 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 for search purposes

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 an MS Windows based 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 is 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, 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 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) 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 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

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.

Since 1985, the USPTO Visiting Scholars Program has provided participants from foreign countries with two weeks of classroom and hands-on study of the United States' system for protecting intellectual property. The majority of those trained include personnel from industrial property offices. 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 2005, enforcement programs conducted in the Washington, D.C. area for foreign officials included: the USPTO Enforcement Academy, Central America Free Trade Agreement Enforcement Academy, and the USPTO-World Intellectual Property Organization Academy for the Judiciary on the Enforcement of Intellectual Property Rights. T

he USPTO, in coordination with the International Intellectual Property Institute (IIPI), provided technical assistance in Russia for border enforcement officials in St. Petersburg and Vladivostok. These programs utilized a case study method involving discussions of problem solving exercises. Additional programs in Europe and Central Asia included the United Nations Economic Commission for Europe (UNECE) Intellectual Property Advisory Group consultations with Romania; USPTO Intellectual Property Enforcement Conference in Azerbaijan; and WIPO-UNECE World Customs Organization Sub-regional Seminar on Enforcement of Intellectual Property Rights in Almaty, Kazakhstan.

The USPTO was actively engaged on a number of fronts to strengthen intellectual property administration, protection, and enforcement abroad. Increased technical assistance was offered in China, with a focus on providing the provinces with capacity-building programs relating to civil, criminal, and border enforcement. The programs offered included the World Customs Organization Regional Forum, Shanghai; Criminal Copyright Enforcement Seminar in Guangzhou; Seminar on new Chinese Judicial interpretation for Criminal Intellectual Property Infringements; Criminal Copyright seminar "How to File a Criminal Case", Beijing; and the Pearl River Delta Seminar on Intellectual Property Enforcement in Southern China.

The USPTO partnered with numerous international, governmental, and non-governmental organizations in designing and delivering technical assistance programs including the Association of South East Asian Nations (ASEAN), UNECE, IIPI, WIPO, Asia-Pacific Economic Cooperation, Secretariat for Central American Integration, Bureau for International Narcotics and Law Enforcement Affairs (INL), and the Middle East Partnership Initiative (MEPI).

In Asia, the USPTO conducted intellectual property protection and enforcement programs that included the ASEAN-USPTO Workshop on Optical Media Regulation and Enforcement, Bangkok, Thailand; U.S. -Vietnam Trade Council Program in Ho Chi Minh City, Vietnam; U.S. Consulate-United States Vietnam Trade Council Association of American Publishers Seminar on Copyright Licensing, Ho Chi Minh City, Vietnam; Support for Trade Acceleration Program and Vietnam-KI Asia-IIPI Judicial Education Program on IPR Protection and Enforcement, Hanoi, Vietnam; ASEAN-USPTO Workshop on "Effective Practices in Combating Trade in Counterfeit Hard Goods," Bangkok, Thailand; ASEAN-USPTO Seminar on "IPR Capacity-Building for Small and Medium Size Enterprises" in Bangkok, Thailand; Combating Internet Piracy, Taipei, Taiwan; and intellectual property protection and enforcement workshops and public awareness seminars in Ulaan Baatar, Mongolia.

Through partnership with MEPI, programs focused on a variety of enforcement issues that included a workshop in Tunis, Tunisia, for judges, prosecutors, and customs officials on best practices for effective IPR enforcement; Middle East regional program on intellectual property rights border enforcement in Amman, Jordan; training for Algerian judges, magistrates, and customs representatives in Algiers, Algeria; Enforcement Academy and United States Study tour for judges throughout the Middle East in Washington, D.C., New York, New York, Los Angeles and San Francisco, California; judicial training in Oran, Algeria; and IPR Border Enforcement Program for Moroccan customs participants in Rabat, Morocco.

Technical assistance programs included the IIPI-West Africa regional conference in Dakar, Senegal; Intellectual Property: Policy Priorities to Foster Economic Growth, Public Health and Culture; and Department of State/USPTO Program on Combating Counterfeit Medicines in Sub-Saharan Africa, in Johannesburg, South Africa. In addition, Enforcement programs were conducted in Colombo, Sri Lanka, and Dhaka, Bangladesh.

IX. Other relevant matters