

CWS.ATR.TM.2011.AU

Annual Technical Report 2011 on Trademark Information Activities submitted by Australia (CWS/ATR/TM/2011/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

(Please Note: AU provides for multi-class filings. Figures below are in classes)

Total TM Classes Filed

2010: 105,852

2011: 110,973

Percentage difference: TM applications increased by 5%

2010: 18,315

2011: 22,139

Percentage difference: Madrid applications increased by 20%

2010: 72,628

2011: 72,013

Percentage difference: Registrations decreased by 1%

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

<http://www.ipaustralia.gov.au/about-us/what-we-do/ip-statistics/>

IP Australia has released a new website. Any links to the previous site will be redirected to the new home page. Please contact IP Australia if you need assistance.

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 Trade Marks Journal) 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 web site and contains both bibliographic text and images.

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

Examination Reports are generated in Microsoft 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- Applications Lapsed Withdrawn and Refused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

Current standard desktop software includes Microsoft Windows XP SP3 with Microsoft Office 2003.

The Office's publication system is partially mainframe based and produces:

- camera ready copy of the Australian Official Journal of Trade Marks;
- trade mark certificates and original register entries; and
- notices for trade mark applicants or their agents.

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

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 to 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://www.ipaustralia.gov.au/about-us/publications-listing/journals/>

Information on IP Australia's Bulk Data Products can be found at:
<http://www.ipaustralia.gov.au/about-us/corporate/bulk-data-products/>

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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.

An on-line application form (e-form) allows selection of goods/services relating to a Trade Mark via a set of pre-defined classification terms (Pick-list). About 50% of electronic filers use 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 ATMOSS, the Trade Marks Office searchable database.

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. 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 web 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 this path.

Storage, including mass storage media

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

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 and administrative support)

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 its 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 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 8.0 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's Customer Service Delivery (CSD) section provides a central contact for customers to obtain information to support their decisions about a wide range of Intellectual Property issues. Customers contact the CSD via telephone, fax and email with around 95% of matters of a general nature solved at the first point of contact. The CSD provides face-to-face, phone, email and web-based assistance through the central office in Canberra.

Increasingly, IP Australia is using its web site as a means of providing an alternative means of public access to these services, such as electronic filing (currently approximately 86% of trade mark applications are filed online), registrations, renewals and trade mark searching via ATMOSS.

IP Australia is currently implementing 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.

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

Filing:
<http://www.ipaustralia.gov.au/get-the-right-ip/online-services/>

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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.

Forms & Publications:
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/trade-mark-forms/>
AND
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/trade-mark-publications/>

Exam & Registration procedures:
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/trade-mark-application-process/examination-process/>

TM Headstart:
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/preliminary-check-tm-headstart/>

Examiners Manual
http://www.ipaustralia.gov.au/pdfs/trademarkmanual/trade_marks_examiners_manual.htm
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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

The application process for trade marks:
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/apply-for-a-trade-mark/>

Applying for International trade marks:
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/international-trade-marks/>

TM Headstart:
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/preliminary-check-tm-headstart/>

Trade mark searching
<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/search-for-a-trade-mark/>

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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 Journal which is available to all users on-line.

Exchange of machine-readable information

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

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.)

Key promotional activities in 2011:

Dr Francis Gurry, Director General of WIPO visited Australia in March and October. A series of engagement activities were arranged in Melbourne and Canberra.

World IP Day

IP Australia arranged and participated in a number of activities for World IP day including a presentation by Tony Wheeler, founder of Lonely Planet, an online IP discussion after the national television program, The New Inventors was televised and participating in Licensing Executives Society of Australia and New Zealand (LESANZ) events.

IP Reform

Information sessions on the changes to our IP system were given across Australia.

Hard Sell Video Competition

IP Australia conducted a competition for students to create a video highlighting the importance of IP for Australian businesses. A selection of videos is available from IP Australia's YouTube channel.

Vocational Education and Training (VET)

IP Australia has developed a range of courses on IP rights management and commercialisation for students in the vocational education and training sector. Thirty Registered Training Organisations are currently delivering the courses.

SMEs

An additional two new fact sheets were added to the IP Passport suite that aims to educate exporters and importers on IP issues in key markets. The two new fact sheets were: Thailand and Canada, bringing the total of fact sheets to 15.

Launch of '20 Issues on Intellectual Property' a series of publications aimed at Chartered Accountants to enable them to understand the importance of IP to them and their clients.

Indigenous Stakeholder Engagement

Expansion of the Dream Shield program, an IP Australia initiative to raise awareness of intellectual property rights to Indigenous Australia. Workshops and events were held in various locations across Australia with distribution of booklets, CDs and postcards. Dream Shield won a national award for corporate social responsibility.

Exhibits

IP Australia exhibited at numerous events across Australia in 2011 including ACPET, "Import Export Show", "National Retail Expo" and "My Biz Expo".

State Office Events

There was a total of 143 events undertaken in 2011 by the State Marketing Managers. These events targeted a wide range of audiences from SMEs to accountants and designers.

Other events of note

IP Australia was a sponsor of the Australian International Design Awards (AIDA) and presented at the Small Business Development Conference and the National Small Business Summit.

IP Australia hosted the IP Professionals Forum and IP Forum.

Training courses for national and foreign participants

IP Australia presented at the following seminars and workshops in 2011:

- WIPO/Indonesia International Forum on the Protection of Geographical Indications (GIs) in Jakarta, Indonesia on Australia's GI experience.
- WIPO Sub-regional seminar on the formulation and implementation of results-based intellectual property action.
- China Intellectual Property Symposium in Shanghai, China on the 'IP System in Australia' and "An Examiner's Perspective on Amendments".
- Taiwan International Seminar on Trademark Administrative Management.
- WIPO Regional Workshop of Effective Strategies on IP Public Education and Awareness Campaigns in Singapore.

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

IP Australia hosted the WIPO - IP Australia Advanced Workshop on the Madrid Protocol providing an opportunity for countries in the Asia-Pacific region to share information and experiences on accession and implementation (administration) of the Madrid system.

IP Australia supported an expert mission assisting Samoa develop its national IP strategy.

IP Australia hosted a placement for 2 trade mark examiners from Taiwan to share information and demonstrate IP Australia's search and examination tools, techniques and procedures.

Two senior Brunei trade mark officials undertook trade mark hearing training at IP Australia.

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

Trade Marks Act: <http://www.timebase.com.au/IPAust/index.cfm?id=tmact>

Trade Marks Regulations: <http://www.timebase.com.au/IPAust/index.cfm?id=tmreg>

contain the Annual Report of the Office

Annual Report
<http://www.innovation.gov.au/AboutUs/CorporatePublications/AnnualReports/Pages/default.aspx>
(Information on IP Australia: chapters 7 - 12)

contain trademark-related news regarding the Office

Latest news:

Latest news is featured on the home page of IP Australia's website:
<http://www.ipaustralia.gov.au/>

Subscription-based mailing lists
<http://www.ipaustralia.gov.au/about-us/news-and-media/>

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X. Other relevant matters