

CWS.ATR.TM.2010.EM

Annual Technical Report 2010 on Trademark Information Activities submitted by OHIM (CWS/ATR/TM/2010/EM)

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

By the end of 2010, more than 98,000 applications had been received, with Madrid Protocol applications representing 14% of the total. This was 8% more than the Work Programme estimate and 11% up on the previous year.

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

During 2010 there were significant improvements in the speed of publication and registration of Community trade marks, and also, in the opposition process.

By the end of 2010, 98% of CTM applications for straightforward files (not experiencing opposition or appeal) were being published within the Service Charter standard of 11 weeks and 95% were registered in 26 weeks.

The current opposition Service Standard is to notify the decision within 17 weeks from the end of the adversarial proceedings. By the end of 2010, the target was being met in 76% of cases, and in practice, around half the decisions were notified within seven weeks.

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

<http://oami.europa.eu/ows/rw/pages/OHIM/statistics.en.do>

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

Publishing, printing, copying techniques

Bulletin

<http://oami.europa.eu/ows/rw/pages/CTM/CTMBulletin.en.do>

The user in PUB selects to generate the registration certificates for the items included in an already published bulletin B. The PUB module extracts all the data to be included in the Certificate from the first entry in the Registry (the registration of the application).

The data to be included in the Certificate are:

- All the data recorded in the first entry in the Registry. If Publication in part B of the Bulletin has not been done yet, the respective field (i.e. the date of the Publication in part B of the Bulletin) shall not be shown in the Certificate.

- The Registration Date

- The PUB module generates an XML file containing all the information for the Certificate.

The PUB module converts the XML format Certificate to PDF format. Once the Certificate is in PDF format, the PUB module stores a copy of it at M:\ shared folder, keeping the structure of one folder per week.

The PUB module also generates the letter L-304 to accompany the Certificate and store it in the same folder.

The issuance of the Certificate and L-304 shall be done by an external company, the external company shall gather the Certificates and standard letters from the shared folder, print them and send them to the corresponding person.

ActivitiesdescriptionCTMBulletin.doc - Activities description

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

VADEMECUM

http://oami.europa.eu/bulletin/ctm/ctm_bulletin_en.htm

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

CTM Bulletin

<http://oami.europa.eu/ows/rw/pages/CTM/CTMBulletin.en.do>

CTM-ONLINE

http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic?

TMVIEW

- TMview is an online consultation tool allowing any Internet user to search, free of charge, the trade marks of all participating official trade mark Offices. It is multilingual and easy-to-use, and gives access to trade mark applications and registrations of the participating official trade mark offices in a single place.

<http://www.tmview.europa.eu/tmview/welcome.html>

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

CTM Bulletin

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<http://www.tmview.europa.eu/tmview/welcome.html>

eSearch Plus (This service is currently as a beta (trial) version in English)

- Allows to search and monitor Community trade marks and registered Community designs, as well as look for owners, representatives and related case-law. Aimed at improving the search online user experience, by providing a wide range of search criteria, easy-to-use sorting and filtering options and the possibility to set up your own alerts using RSS feeds.

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)

Classification systems: Nice Classification and Vienna Classification

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

EUROACE is a database with descriptions of goods and services which will be immediately accepted by OHIM if used in a CTM application. In this way applicants can be sure that the Office will raise no objections.

EuroClass is a classification tool that helps you with the classification of goods and services.

<http://oami.europa.eu/euroace/euroaceservlet?action=search&langid=en>

EURONICE is a translation database for the description of goods and services. The EURONICE online search tool contains translations of the most frequently used expressions by Community trade mark applicants to describe the goods and services covered by their marks. http://oami.europa.eu/search/euronice/la/en_en_expressionscreen.cfm

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

Goods & Services

It is mandatory to indicate for which goods and/or services the applicant wishes to register the trade mark. Goods and services are divided into different classes according to the International Classification of Goods and Services under the Nice Agreement (the "Nice Classification"). There are presently 34 classes of goods and 11 classes of services, at least one of which must be selected.

The applicant can select Goods & Services by the following means:

Import the Goods & Services of an existing CTM application

Import the Goods & Services from our databases (EuroAce or EuroClass)

Insert the Goods & Services manually

IV. Trademark manual search file establishment and upkeep

The Ohim does not maintain a manual search file.

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

The OHIM uses for internal searches two systems not available to the public: EUROMARC++ and QFMAN.

External databases

Searching the Community trade mark database: CTM -ONLINE

<http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do>

Goods and Services: Nice Classification - EUROACE - EURONICE

<http://oami.europa.eu/ows/rw/pages/QPLUS/databases/euroace.en.do>

Representative consultation service

[http://oami.europa.eu/FRP/RequestManager?transition=start&source=Login.](http://oami.europa.eu/FRP/RequestManager?transition=start&source=Login.html&language=en&application=FRP)

[html&language=en&application=FRP](http://oami.europa.eu/FRP/RequestManager?transition=start&source=Login.html&language=en&application=FRP)

eSearch Plus (This service is currently as a beta (trial) version in English)

- Allows to search and monitor Community trade marks and registered Community designs, as well as look for owners, representatives and related case-law. Aimed at improving the search online user experience, by providing a wide range of search criteria, easy-to-use sorting and filtering options and the possibility to set up your own alerts using RSS feeds.

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)

E-filing is a service provided by OHIM, which enables users to apply for a Community trade mark online. OHIM provides a business-to-business solution for its larger clients where, based on an agreed transfer mechanism across the Internet, our clients can send their CTM applications directly from their own back-office systems directly to OHIM.

<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do>

E-renewal is a service provided by OHIM in order to enable users to renew a CTM online.

<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileRenewalCTM.en.do>

E-opposition is a service provided by OHIM in order to allow users to file an opposition online.

<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileOpposition.en.do>

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

<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do>

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://oami.europa.eu/ows/rw/pages/CTM/regProcess/regProcess.en.do>

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

<http://oami.europa.eu/ows/rw/pages/CTM/index.en.do>

VII. Matters concerning mutual exchange of trademark documentation and information

OHIM holds a wide range of cooperation and consultation meetings with stakeholders in EU including national IP offices, the European Commission user groups and representatives of the judiciary.

Each year we hold well-attended liaison meetings with national offices, on trade marks, designs and technical/IT issues. The meetings are used to exchange best practice, and discuss innovations.

In 2010, for example, the technical liaison meeting examined the potential of "cloud computing".

There's also a long history of cooperative projects with various stakeholders, on training, information, and on e-learning and e-business resources. This including significant collaboration on databases and information tools, including the well-known TMview project, combining data from trade mark databases, and the EuroClass classification project.

OHIM Cooperation Fund

The Fund was set up in 2009 to promote harmonization of tools and practices and modernise national IP offices with the ultimate goal of making things easier for users of the European trade mark and design systems.

A total of 23 projects under four different fields is planned under the Cooperation Fund. National Offices and Users' Associations have been closely involved in the definition of the projects and will participate in their development.

<http://oami.europa.eu/ows/rw/pages/QPLUS/OHIMCooperationFund.en.do>

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)

Relations with users

OHIM has always put emphasis on understanding users of the Community trade mark and design systems, and responding to their needs.

The OHIM website remains the most important information resource. The content, in five languages, is updated daily, and it's the home for the office's monthly electronic magazine, Alicante News, which now has over 8,000 e-mail subscribers.

<http://oami.europa.eu/ows/rw/pages/OHIM/index.en.do>

Cooperation inside the EU

OHIM holds a wide range of cooperation and consultation meetings with stakeholders in EU including national IP offices, the European Commission user groups and representatives of the judiciary.

Cooperation outside the EU

The global dimension of trade means that many of CTM and RCD users also have to deal with IP systems in the US, the Far East, and many other countries.

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

OHIM was present at the following events 2010

<http://oami.europa.eu/ows/rw/pages/OHIM/news/eventsArchive2010.en.do>

Training courses for national and foreign participants

The Office for Harmonization in the Internal Market (OHIM) maintains close links with all interested parties in order to ensure cooperation and harmonization across Europe as well as to ensure the best possible delivery of its services.

This requires complete transparency with regard to standards and the results of examinations and other procedures performed by OHIM, and consultation with users in order to improve practice and procedures.

<http://oami.europa.eu/ows/rw/pages/QPLUS/networks/networks.en.do>

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

OHIM's goal is to help to create simpler, more responsive and more compatible systems for the benefit of users internationally. Some of this may be achieved by making rules, but the Office is also involved in a wide range of cooperative exchanges with the European Patent Office (EPO), the World Intellectual Property Organization (WIPO), the Trilateral partners and third countries including major trading partners such as China. In 2010 OHIM funded cooperation actions or contributed to EU-funded programmes in China and the Regional IP programme in Western Balkans and Turkey.

In China, OHIM is the main expertise provider on trade marks and designs for the EU-China IPR2 programme. Comparative studies completed last year have been followed up by workshops to exchange best practices. Senior staff have also been involved in the revision of the Chinese trade mark law; we have taken part in seminars in various parts of the country and have renewed the pre-existing bilateral ties. The work in China is carried out in cooperation with the European Patent Office, which is the programme manager for IPR2, and this partnership has created sound foundations for further collaboration in this and in other areas.

In parallel, OHIM maintains an IP officer in Beijing, in order to help EU stakeholders navigate through the difficult waters of IP enforcement in China.

In the Western Balkans and Turkey, OHIM has provided expertise for the Commission's regional programme on IP, which is also managed by the EPO. Experts supported 15 different events in Serbia and Montenegro and carried out specific actions with the Turkish authorities in the revision of examination guidelines for both trade marks and designs.

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://oami.europa.eu/ows/rw/pages/CTM/legalReferences/legalReferences.en.do>

contain the Annual Report of the Office

OHIM's Annual Report for 2010 is available only online in Multimedia version or in PDF format.
<http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications/annualReport.en.do>

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

Quality plus:

The Office is committed to listening to users' needs and putting in place measures to maintain and improve the quality of services. This section provides access to the Office's quality policy, the Service Charter, User Satisfaction Survey, and guidance on how to file a complaint. You will also find information on cooperation projects with IP offices in member states and internationally.

Networks and Users' Groups includes:

- * The OAMI Users' Group, the e-Business Users' Group
 - * Judges' seminars and symposiums, and the OHIM Universities Network
 - * Information about OHIM's participation in networks with other major IP offices.
 - * Technical cooperation agreements and the OHIM Cooperation Fund.
- <http://oami.europa.eu/ows/rw/pages/QPLUS/index.en.do>

provide open source codes related to trademark information systems

A Trade Mark XML Open Standard Initiative

<http://www.tm-xml.org/>

TMview is an online consultation tool allowing you to search, free of charge, the trade marks of all official trade mark offices which are participating at national, international and EU level.

The accuracy of the data contained in TMview is the sole responsibility of the offices or organisation providing it. In principle, TMview reflects with certainty their trade mark registers at the moment of consultation.

TMview is a cooperation project between the OHIM, WIPO and EU national trade mark offices.

<http://tmview.europa.eu/tmview/welcome.html>

EuroClass is a classification tool that will help you in the classification of Goods and Services, and allow you to compare the classification databases of each participating office.

It will provide a list of descriptions of Goods and Services that have been accepted by each office, and where no entry is found, will provide a list of similar terms in the classes searched.

<http://oami.europa.eu/euroclass/actions/main.do>

contain trademark-related news regarding the Office

ALICANTE NEWS is a newsletter, edited by the Office for Harmonization in the Internal Market and published on the second last Wednesday of every month.

The aim of ALICANTE NEWS is to provide up-to-date information on OHIM-related matters, as well as on other general IP issues, to the users of the Community trade mark and design registration systems.

<http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications/newsletter.en.do>

X. Other relevant matters