CWS.ATR.TM.2010.AU

Annual Technical Report 2010 on Trademark Information Activities submitted by Australia (CWS/ATR/TM/2010/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

Total TM Applications
2009: 99,798
2010: 105,852
Percentage difference: Total Applications increased by 6%

Madrid Applications
2009: 19,173
2010: 18,315
Percentage difference: Madrid applications decreased by 4%

Registrations
2009: 79,130
2010: 72,628
Percentage difference: Registrations decreased by 8%

Note: A single application may include a number of classes. The figures above are the number of classes filed.

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

http://www.ipaustralia.gov.au/about/statistics.shtml
(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. 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 Internet 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- Applications Lapsed Withdrawn and Refused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://pericles.ipaustralia.gov.au/ols/epublish/content/olsEpublications.jsp
(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. Please contact IP Australia if you need assistance.)

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.
In 2005, Australia introduced a new on-line application form (e-form) which allows selection of goods/services relating to a Trade Mark via a set of pre-defined classification terms (Pick-list). In March 2007, a reduced fee was introduced for applicants who specify their goods/services by use of the Pick-list. The fee reduction has resulted in over 50% of electronic filers using 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 internet 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.

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

N/A

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 finalising the design of 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/trademarks/apply_index.shtml
(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. Please contact IP Australia if you need assistance.)

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/resources/forms_trademarks.shtml

Exam & Registration procedures:
http://www.ipaustralia.gov.au/resources/manuals_trademarks.shtml

TM Headstart:
http://www.ipaustralia.gov.au/trademarks/tmhs_start.shtml
(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. Please contact IP Australia if you need assistance.)

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/trademarks/process_index.shtml

Applying for International Trade Marks:
http://www.ipaustralia.gov.au/trademarks/international_index.shtml

TM Headstart:
http://www.ipaustralia.gov.au/trademarks/tmhs_start.shtml
(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. Please contact IP Australia if you need assistance.)

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 Gazette 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 2010:

Vocational Education and Training (VET)
IP Australia developed a range of courses on IP rights management and commercialisation for students in the vocational education and training sector. 25 Registered Training Organisations are currently delivering the courses.

SMEs
In collaboration with the Intellectual Property Office of Singapore and the Hong Kong IP Department IP Australia launched an IP audit business tool, Intellectual Property Explorer to address the needs of businesses to identify their IP portfolio, assess its value and to develop strategies to manage and protect IP assets.

Four new fact sheets were added to the IP Passport suite that aims to educate exporters and importers on IP issues in key markets. The four new fact sheets were: Importing, European Union, New Zealand and Singapore, bringing the total to 13.

Indigenous Stakeholder Engagement
In November, Minister for Innovation, Senator Kim Carr launched the Dream Shield project which provides important and practical IP information for Indigenous inventors, designers and business owners.

National Event
IP Australia conducted a nationwide breakfast seminar series entitled 'How to Make Your Brand Great'. Key speakers Tim Pethick (founder of Nudie Juice) and Shane Radbone (former CEO of Wendy's) introduced the key considerations for IP and branding in business to an audience of more than 650 delegates.

State Office Events
There were a total of 135 events undertaken in 2010 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 sponsored the Australian International Design Awards (AIDA) and presented at the Small Business Development Conference and the National Small Business Summit.

Training courses for national and foreign participants

IP Australia presented at the WIPO – JPO forum on Global Infrastructure and APEC IPEG meeting on: the VG ME Initiative; the IP Explorer web tool for SMEs; and the Survey on IPR Capacity Building Requirements in APEC Economies in Japan in March.

IP Australia presented on IP Commercialisation strategies at the APEC IP Symposium: Innovating IP Exploitation in Japan in September.

IP Australia presented at the IP Forum in Melbourne in May on the current International IP systems in place, trends in the international environment and possible future developments.

IP Australia presented at the WIPO – IPOS Policy Dialogue on Emerging Issues in the Field of Trade Marks in Singapore in July.

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

IP Australia hosted a three month leadership training program, the Australian Leadership Awards (ALA) Fellowship Program for five developing nation IP officials. Its objectives were to enhance the management and leadership capability in IP offices in the region through the provision of training and mentoring for mid to senior level overseas IP officials.

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.comlaw.gov.au/ComLaw/Management.nsf/current/bytitle/9C936DF5A40A3768CA256F710006EF6E? OpenDocument&mostrecent=1

Trade Marks Regulations: http://www.comlaw.gov.au/ComLaw/Management.nsf/current/bytitle/913EC9DF41B86A7FCA256F710006B2D8? OpenDocument&mostrecent=1

contain the Annual Report of the Office

Annual Report
http://www.innovation.gov.au/AboutUs/KeyPublications/AnnualReports/AnnualReport200910/index.html

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/resources/lists_index.shtml#
(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. Please contact IP Australia if you need assistance.)

X. Other relevant matters

(IP Australia will be releasing a new website shortly. Any links to the current site will be redirected to the home page when the new site is live. Please contact IP Australia if you need assistance.)