

SCIT.ATR.TM.2003.AT

Annual Technical Report 2003 on Trademark Information Activities submitted by Austria (SCIT/ATR/TM/2003/AT)

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

The following numbers of trademark applications and registrations in Austria in 2003 are presented in comparison with the numbers in 2002 (=100%):

National applications: 8.602 in 2003 (+2,9%)
8.353 in 2002

National registrations: 6.835 in 2003 (+7,5%)
6.357 in 2002

MMA/MMP applications
based on Austrian trademarks: 964 in 2003 (+0,4%)
960 in 2002

International registrations
with effect in Austria: 12.948 in 2003 (+1,9%)
12.704 in 2002

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

In the year 2003 the number of applications and registrations increased in the national sector as well as in the international field. A general trend for a reduction in national trademark applications could not be observed, the high level of 2001 was almost reached again. In spite of the possibility of a CTM application the number of requests for an international registration on the basis of domestic trademarks increased, albeit very slightly.

88.5% of the national applications originated from Austrian enterprises. The increase of the share of domestic applicants, a trend already observable during the last years, still continues.

About 57.600 Community Trademark applications, which also have effect in Austria, were filed at the Office for Harmonisation in the Internal Market (Trademarks, Designs and Models) in Alicante. This represents a very substantial increase over the numbers of the year 2002.

Approx. 34.300 trademarks were registered at the Office for Harmonisation in the Internal Market in the year 2003, which came into effect for the whole EU and thus also for the territory of the Republic of Austria.

Also the number of effective trademark rights has further increased: 105.244 signs were protected as national trademarks by the end of 2003. This is an increase of 2.699 national trademarks compared with the year 2002. The oldest trademark in force in Austria is still the one that was filed on April 2nd, 1859. About 250.000 signs are protected as international trademarks with respect to Austria. Adding the effective community trademarks, nearly 560.000 signs in total are protected as trademarks in the territory of the Republic of Austria.

The majority of applications were filed in the class 9, followed by the classes 35, 3, 16 and 41.

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

The Austrian Trademark Gazette is a separately published, monthly issued bulletin which exclusively relates to trademark information. Its production employs a Desktop Publishing program adapted to the special requirements of the office. The production works with a master copy, from which the paper copies are made.

As mass storage means magnetic disks are used for the bibliographic data, for all word marks and for the wording of combined word and figurative marks as well as for the figurative elements of national trademarks.

The figurative elements of international trademarks are available on personal computers.

The examiners have access to the figurative elements of the national trademark applications filed since about August 2000 on their personal computers.

III. Matters concerning classifying, reclassifying and indexing of trademark information

The Nice Classification Systems of Goods and Services, Eighth Edition, is used for the registration of marks. The applicants are not obliged to use pre-defined terms of the classification system. Classification symbols are allotted by the examiners of the trademark department in the course of the examination procedure and are used for the registered marks.

For the classification of figurative elements of marks the Vienna Classification system, 5th edition, is applied.

The bibliographic data of trademarks are indexed for quick online inquiry purposes.

IV. Trademark manual search file establishment and upkeep

File Building

In 1996 the manual search files were replaced by an electronic storage and retrieval system, please see also item V.

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

The Austrian Patent Office receives the Trademark Gazettes from: Australia, Bulgaria, Denmark, Germany, France, Belgium, Luxembourg, Netherlands, Norway, Romania, Russia, Sweden, Switzerland, Spain, Czech Republic, Hungary, United States of America, United Kingdom, Vietnam and from the OHIM.

These gazettes are stored in the reading room of the public library.

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

The examination of trademark applications as to similarity is completely executed by electronic means. The examination procedure is carried out via a mainframe based system.

The EU-community trademarks are recorded in a separate community trademark database and are also identified as such on the similarity protocol.

External databases

Access to the database ROMARIN and to the bibliographic data of "Community Trademark Applications" is available and also used for information services.

Administrative management systems (e.g., register, legal status, statistics, administrative support, etc.)

National trademark applications are handled by an electronically assisted administration system, especially the control of fees is carried out exclusively by electronic means. The applicant is no more obliged to submit a proof of the payment in paper to the office.

The complete register of national trademarks is now available in an electronic version. (The project of converting the paper version of the national register of trademarks to an electronic register was finalized in 2001.)

An electronic registry for Appeals and Nullities including information about the procedural steps is accessible via the office's intranet.

The registration numbers for national and international trademarks have been harmonized.

Equipment used (hardware, including the types of terminal and network used, and software), carriers used

Hardware: From Pentium III 800 MHz to Pentium IV 2,4 GHz for all examiners via Ethernet-LAN, change from tube-monitors to flat-screen monitors nearly completed in 2003, leased lines to Internet. The migration from Token-Ring LAN to Ethernet LAN reached its final stages in 2003.

Software: Windows Operating System (Win2000, WinXP), in house document management system for trademarks.

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)

The Austrian Patent Office offers free information services concerning questions on legal matters, on details of registration procedures, property rights or due fees relating to trademarks which can be submitted verbally (personally or by telephone). An information center is established which also provides information about registered international trademarks with effect for Austria, and about community trademarks of the European Union. This information covers all bibliographic data of the mentioned protection rights. This inquiry can also be made in the library by self-service (with support of the library personnel) on computer workstations.

Information about the due date of next renewal fee for a trademark and about amounts and methods of payment is available at any time via Internet by entering the application or register number.

Information services of the Service and Information Sector (TRF)

The Service and Information Sector of the Austrian Patent Office (TRF) exists since the fall of 1994 pursuant to the appropriate regulations of the amendment of the Patent Law of 1992 and the corresponding ordinance of 1994.

It offers customer-oriented service and information products in the area of patents, trademarks and designs in a commercial manner.

In particular, following commercial services are offered by the Service and Information Sector:

- trademark similarity search
- a similarity record including colour images
- trademark monitoring
- information in written form
- uncertified register extracts
- express services concerning national and international trademark similarity searches, register extracts as well as written information
- external on-line information
- translation of the list of goods and services from the German into French or English

CD-R's of Austrian patent publications which are published monthly and contain published patent applications with claims, descriptions and drawings can also be obtained from the TRF of the Austrian Patent Office.
Internet

The homepage of the Austrian Patent Office contains general information as well as detailed references for applicants concerning forms for application and the current fees for all industrial property rights. All register data, especially information about time limit and amount of the next annual fee, are free of charge. Full access to the database of the Austrian Patent Office, which covers all property rights for Austria according to different search criteria, e.g. owner, inventor, international patent classification, application and register number, is made possible by using a password. This database also allows searching for the mark wording of all trademarks registered for Austria.

Addresses: www.patentamt.at or

www.patent.bmvit.gv.at

VII. Matters concerning mutual exchange of trademark documentation and information

The Austrian Trademark Gazette is exchanged on a bilateral basis with almost all of the PCT Member States and OHIM. In addition, the office receives the trademark gazettes of WIPO.

VIII. Matters concerning education and training including technical assistance to developing countries

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

External seminars are frequently organized together with partners, like the Institute for Promotion of Trade and Industry (WIFI), technology transfer centres, universities, other authorities, inventor's federation or the bar association. The cooperation with partners frequently improves the contacts to the target groups using the existing communication structure. Seminars take place also in cooperation with other offices.

A delegation of the Association of the Russian and Ukrainian patent lawyers, accompanied by members of the Russian Patent Office, visited the Austrian Patent Office. The guests were particularly interested in the practical work in the trademark and design registration procedure of the Austrian Office.

Training courses for national and foreign participants

Numerous seminars on industrial property right protection including trademark related matter were organized.

Principal target groups for these activities are entrepreneurs, in particular from small and medium enterprises, university members, students and pupils, as well as multipliers, like teachers, attorneys, management consultants and librarians.

Main topics are intellectual property rights as well as related further information. The catalogues of themes are in each case arranged with regard to actuality as well as with regard to the respective target group in co-ordination with the partners. The most frequent topics, depending upon the target group, is trademark protection (national, EC community trademark, Madrid Agreement/Madrid Protocol), and trademark information. If necessary, also external speakers are invited for special topics.

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

A training course for members of developing countries, held in cooperation with WIPO, offered besides information on patent documentation, design protection and international treaties a section on the basic principles of trademark protection.

IX. Other relevant matters

For further information about activities of the office in 2003 please refer also to the "Annual Report of the Austrian Patent Office 2003", published in German and English on the homepage of the office.