

CWS.ATR.TM.2012.AU

Annual Technical Report 2012 on Trademark Information Activities submitted by Australia (CWS/ATR/TM/2012/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

2011: 110,973

2012: 112,543

Percentage difference: TM applications increased by 1%

2010: 18,315

2011: 22,139

2012: 21,261

Percentage difference: Madrid applications decreased by 4%

2010: 72,628

2011: 72,013

2012: 79,894

Percentage difference: Registrations increased by 11%

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/>

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- Applications Lapsed Withdrawn and Refused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 7 with Microsoft Office 2010 .

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/>

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 94% 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/>

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/>

Examiners Manual

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

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.

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/>

Trade mark searching

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

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 2012:

Wallace and Gromit's World of Invention exhibition

IP Australia has sponsored the Australian tour of "Wallace and Gromit's World of Invention", an exhibition originally developed by the UK Intellectual Property Office, Aardman Animation and the Science Museum in London. The exhibition showed at Scienceworks, Melbourne from May to November 2012 and attracted close to 107,000 visitors. It then moved to the Powerhouse Museum, Sydney in December 2012 and will continue until late May 2013.

World IP Day

IP Australia arranged a trial of the "Great Inventor's BBQ" where patent holders in the ACT were invited to an event on site. Around a dozen inventors displayed their inventions and interacted with examiners and staff. The event attracted significant local media coverage.

IP Reform

Throughout 2012, IP Australia provided regular updates to customers and stakeholders, via media releases and direct marketing activities, on key elements and consultations relating to the IP Laws Amendment ACT 2012 which will be in force from 15 April 2013.

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. 35 confirmed Registered Training Organisations (RTO) across all Australian states are now offering one or more units as electives. A South Australian based RTO based has included IP Australia's unit covering copyright as a core unit in its Certificate IV in Library Studies course.

E-Services

In late April 2012, IP Australia launched e-services, providing customers with the opportunity to log in to a secure portal, update their details, renew all IP rights, submit trade mark applications and pay online. A second release in late October 2012 saw the introduction of new e-forms for applications across all four registered rights, forms to request examination and to postpone acceptance of patents.

In partnership with the Intellectual Property Society of Australia and New Zealand (IPSANZ), IP Australia held roadshows in all mainland capitals to demonstrate several initiatives including B2B, eServices, IP reform, national and international IP areas and the fee review.

Audience specific activities

Exporters:

IP Australia has continued a partnership with the Australian Institute of Export which has enabled publication of a range of editorial pieces relating to IP and exporting. The IP Passport series of 15 fact sheets were updated to include QR codes, linking to relevant website content.

Engineers:

IP Australia has begun investigating options to collaborate with Engineers Australia. Opportunities for a closer working relationship would ultimately result in greater access to distribution channels, thus improving IP Australia's ability to directly promote the value and benefits of intellectual property to this sector.

Stakeholder engagement

IP Australia hosted two IP Professionals Forums and IP Forums throughout 2012, providing a high level of interaction with IP professionals, businesses and other key stakeholders.

In 2012, the Executive Visits Program (EVP) was established to govern engagement between IP Australia's executive and senior representatives from industry associations and private enterprise. The EVP is a comprehensive program of face-to-face meetings with chief executives (or equivalent) to discuss topical IP issues and provides a valuable opportunity to learn how users of the IP system maximise the value of their intangible assets.

Indigenous Stakeholder Engagement

IP Australia has continued to attend workshops and events around Australia to promote Dream Shield, a program to raise awareness of intellectual property rights to Indigenous Australia. Events of note include the 2012 Australian Indigenous Minority Suppliers Council conference and the Indigenous Economic Development Field Officers Forum.

Exhibits

IP Australia exhibited at numerous events across Australia in 2012 including "BizSmart Expo", Sunshine Coast Business Expo and "Small Business Big Marketing Trade Show".

State Office Events

There were approximately 140 events undertaken in 2012 by the State Marketing Managers. These events targeted a wide range of audiences including SMEs, exporters and designers.

Other events of note

IP Australia was represented at the Australia-China Science and Research Fund Symposium 2012 and presented at the Design Institute of Australia's "Beyond Copyright" event.

Training courses for national and foreign participants

IP Australia presented at the following seminars and workshops in 2012:

- Intellectual Property Education and Training Regional Workshop in Malaysia IP Australia shared experiences from developing a suite of competency based IP training courses. Participants of the program gained a detailed understanding of how to plan, develop and execute a comprehensive package of IP training courses.
- Financial Forecasting Training Mission to the Philippines. IP Australia was engaged by WIPO to deliver financial forecasting and modelling training to officers from the Intellectual Property Office of the Philippines (IPOPPL). The training program covered topics such as the importance of embedding internal budget processes into organisational planning and management, revenue and expenditure monitoring and forecasting, activity based costing, fee setting and cost recovery, and general reporting. Participants also gained good insight into the current financial practices, methodologies and techniques used by both IPOPPL and IP Australia. The training was delivered to the IPOPPL Executive Committee, senior management and finance staff.

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

- IP Australia supported an expert mission assisting Samoa to develop its national IP strategy. The program focussed on Samoa's existing IP environment, needs and opportunities and resulted in the development of a draft national intellectual property strategy for Samoa.
- IP Australia hosted a visit from four South African delegates on quality system benchmarking. The visit focused on IP Australia's quality management systems, quality standards and business processes used across four IP rights categories (patents, trade marks, design and plant breeder's rights).
- IP Australia supported an expert mission to Cambodia on Trade Mark examination practices and training. Cambodia's Trade Mark Manual was reviewed as a part of this visit and training was provided in line with best practices in trade mark examination.
- IP Australia hosted an Indian study visit on accession to the Madrid Protocol. During the study visit the Indian delegation gained a better understanding of IP Australia's experiences with the Madrid Protocol and first hand experience on how the Madrid Protocol can be implemented successfully.
- IP Australia hosted a Solomon Islands mission to discuss trade mark processes and legislation. The visit focussed on trade mark administration and examination processes in Australia as well as Australia's legislative reform process.

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>
(Refer part B for information on IP Australia)

X. Other relevant matters