

CWS.ATR.TM.2010.AT

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

Austrian National Trademark applications

2010 6.824 -9,8% compared to 2009
2009 7.569 - 8,40 % compared to 2008
2008 8.263 - 4,63 % compared to 2007
2007 8.664 + 0,48 % compared to 2006
2006 8.622 + 0,45% compared to 2005
2005 8.583 + 2,36% compared to 2004
2004 8.385 - 0,48 compared to 2003
2003 8.426

Austrian National Trademarks Registrations

2010 5.606 -6,2% compared to 2009
2009 5.981 - 1,4% compared to 2008
2008 6.067 - 6,2% compared to 2007
2007 6.469 - 8% compared to 2006
2006 7.038 + 2,4% compared to 2005
2005 6.873 - 10% compared to 2004
2004 7.700 + 12% compared to 2003
2003 6.835

Effective trademark rights (AT national)

2010 113.745 - 0,5% compared to 2009
2009 117.380 - 0,25% compared to 2008
2008 114.671 + 0,56% compared to 2007
2007 114.034 + 1,45% compared to 2006
2006 112.403

Effective trademark rights (AT - international)

2010 206.233 - 5,4% compared to 2009
2009 218.024 - 4,68% compared to 2008
2008 228.742 - 3,51% compared to 2007
2007 237.070 - 2,98% compared to 2006
2006 244.364

Effective trademark rights (Community trademarks)

2010 > 600.000
2009 > 700.000
2008 > 350.000
2007 29.807 +75% compared to 2006
2006 17.000

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

As in the last years, about 90% of the national applications originated from Austrian enterprises.

The majority of applications were filed in the class 35, 9 and 3, followed by the classes 16, 41, 29 and 5.

The oldest trademark in force in Austria is still the one that was filed on April 2nd, 1859.

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

Homepage
<http://www.patentamt.at>

Statistics for Patents, Trademarks and Designs for 2010 are in the Patent Gazette "Patentblatt" April 2011.

For URLs please refer to the respective chapter in the Annual Technical Report for Patents.

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

Publishing, printing, copying techniques

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.

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

Starting with 2006 the Austrian Trademark Gazette is published monthly on the homepage of the APO. Only few paper copies are sent to offices according to the agreements of bilateral exchange of publications between offices.

Mass storage media and microforms used

As mass storage means magnetic discs 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.

Word processing and office automation

National trademark applications and incoming letters are scanned with EPOSCAN. Outgoing letters are prepared with MS-Word via a workflow-management system including an in-house online file-inspection since the year 2000.

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

Homepage
<http://www.patentamt.at>

Gazettes
<http://www.patentamt.at/Publikationen/>

Navigation:
<http://www.patentamt.at/markenschutz/Publikationen>

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)

The Nice Classification Systems of Goods and Services, 9th 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 applicant. The symbols are checked by 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, 6th edition, is applied.

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

The applicants are not obliged to use pre-defined terms of the classification system.

Bibliographic data and processing

Bibliographic data elements and classifications are searchable. The images are displayed together with these data elements.

This search is available inhouse and via Internet.

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 most of the other offices and from OHIM. Since a lot of these publications are available via Internet the paper version is reduced. 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 executed by electronic means. The database includes national trademarks , community trademarks and international trademarks valid in Austria.

External databases

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

A project replacing the host system has started. With this new programmes for similarity search (textsearch) will be used.

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

The complete register of national trademarks is 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.

A project is launched to complete / correct bibliographic data of old trademarks in the database.

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

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, two flat-screen monitors for all trademarks examiners, leased lines to Internet.

Software: Windows Operating System (Win2000, WinXP), in house document management system for trademarks, Host System Siemens BS2000.

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)

The Austrian Patent Office offers free information services concerning legal questions, details of registration procedures, property rights or due fees, which can be submitted verbally (personally or by phone, e-mail to info@patentamt.at).

Legal and technical experts of the Austrian Patent Office can be consulted for legal and technical questions in connection with an intellectual property right, a pending application or for an intended application. The legal information service is available personally or by telephone or by e-mail to info@patentamt.at free of charge on all working days.

At the information centre in the Austrian Patent Office information is provided by telephone, e-mail or face-to-face about all national intellectual property applications and granted rights, about published European and international patent applications designated for Austria, as well as about registered international trademarks with effect for Austria, and about community trademarks of the European Union and about national and Community designs. 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.

The registry administrators of the Austrian Patent Office provide information concerning the current legal status of all effective patents, utility models, semiconductor rights, supplementary protection certificates, trademarks and designs. The officials in charge can be consulted at their consultation hours about specific applications, e.g. the correct trademark or design classification of a sign or product.

Information services of the Service and Information Center (serv.ip, former TRF)

The Service and Information Center of the Austrian Patent Office (serv.ip) started its activities in fall of 1994 pursuant to the appropriate regulations of the amendment of the Patent Law of 1992 and the corresponding ordinance of 1994. The central purpose of the founding of this enterprise was to offer customer-oriented service and information products in the area of patents, trademarks and designs in a commercial manner. The following services are offered:

- 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 goods and services index from German into English
- Patent prior art searches
- CETMOS (central European trademark service)

Express service:

Registry extracts as well as written information are supplied within 24 hours after receipt of order by fax and by email upon request.

External on-line information:

Internet access to the database of the Austrian Patent Office for information concerning patents, utility models, designs and supplementary protection certificates is available. Registry status for industrial design is available online.

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, namely patent, utility model, trademark, design, supplementary protection certificate as well as semiconductor protection. All bibliographic data, information about time limit and amount of the next renewal 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.

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

Address of the Austrian Patent Office's website: <http://www.patentamt.at>

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.

Navigation:
Homepage: <http://www.patentamt.at/trademarks>

General information

<http://www.patentamt.at/Markenschutz/Schutzrechte>

Forms

http://www.patentamt.at/Markenschutz/Formulare_und_Gebuehren/

Here you find forms and infosheets concerning AT national trademark applications, Community trademarks and international trademarks.

Our Information sheets and application forms are only available in German.

NATIONAL TRADEMARKS

Information sheet / Trademark applications
MA 501 30.6.2010 Informationsblatt Nationale Marken Anmeldung
<http://www.patentamt.at/Media/MA501.pdf>

Trademark application form:
MA 15.7.2010 Anmeldeformular Marken national
http://www.patentamt.at/Media/MA1_Markenmeldung.pdf

COMMUNITY TRADEMARKS

Informationsheet on Community trademarks
14.4.2009 MA 700 Infoblatt Gemeinschaftsmarkenmeldung
<http://www.patentamt.at/Media/MA700.pdf>

INTERNATIONAL TRADEMARKS

Informationsheet on International trademarks
MA 571 1.7.2010 Infoblatt zur internationalen Markenregistrierung
<http://www.patentamt.at/Media/MA571.pdf>

International application
MA 572 27.5.2010 Antrag auf Weiterleitung des Gesuchs um internationale Registrierung
<http://www.patentamt.at/Media/MA572.pdf>

MM 18 3.8.2005 Declaration of Intention to use the Mark: United States of America
<http://www.patentamt.at/Media/MM18.pdf>

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

Navigation:

Homepage <http://www.patentamt.at>
http://www.servip.at/Leistungen___Angebote/
Servip

Services for trademarks searches:

http://www.patentamt.at/Beratung/Recherche_und_Produkte/Markenrecherche/

CETMOS:

http://www.patentamt.at/Beratung/Recherche_und_Produkte/Cetmos/

CETMOS provides information about trademarks in 9 countries:

PL, CZ, AT, SI, HR, HU, SK, RO, BG.

<http://www.cetmos.eu/>

Prices

<http://www.servip.at/Media/Preisliste.pdf>

after 1. August 2010: http://www.servip.at/Media/Preisliste_01Aug2010.pdf

Order

via FAX: <http://www.patentamt.at/Media/BestellungMarke.pdf>

same forms for

- National Trademarks
- International Trademarks
- Design
- Utility Model
- Austrian Patent
- European Patent
- Protection Certificate

Opening hours, contact

<http://www.patentamt.at/Beratung/Servicestellen/>

Trademark Services:

Ursula Hoefermayer, phone: + 43 1 534 24 721; fax: + 43 1 534 24 78

<mailto:ursula.hoefermayer@servip.patentamt.at>

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

The Austrian Trademark Gazette is exchanged on a bilateral basis with almost all of the WIPO 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 (please indicate URLs of web pages of the Office's website wherever appropriate)

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

Please see Annual Technical Report on Patent Information Activities.

Training courses for national and foreign participants

Please see Annual Technical Report on Patent Information Activities.

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

Please see Annual Technical Report on Patent Information Activities.

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

The Austrian Design Gazette and the Austrian Trade Mark Gazette contain bibliographic and registry data for Austrian Designs / Trademarks. They are published by the Austrian Patent Office on the 20th of each month.

Navigation to the online-version in .pdf-Format

Homepage: <http://www.patentamt.at>

Industrial Design / or Trademarks / or Protection of inventions

Publications

Austrian Patent Gazette

The Austrian Patent Gazette is published by the Austrian Patent Office on the 15th of each month.

Part 1 (I Teil) is the general part and contains decisions, notices, law, and the organisational changes of the Austrian Patent Office etc.

You can order previous issues at:

Copy Service

1st Floor, Room 142

Tel.: +43 (1) 534 24 738

fax: +43 (1) 534 24-737

e-mail: kopierstelle@servip.patentamt.at

Navigation:

Homepage <http://www.patentamt.at>

The Austrian Patent Office

Laws

http://www.patentamt.at/Markenschutz/Gesetzliche_Basis/

contain the Annual Report of the Office

For further information about activities of the office, one may also refer to the Annual Report of the Austrian Patent Office, published in German and English on the Homepage of the office

2010: http://www.patentamt.at/Das_Oesterreichische_Patentamt/News/Geschaeftsbericht_2010/

2009: http://www.patentamt.at/Das_Oesterreichische_Patentamt/News/Geschaeftsbericht_2009/

2008: <http://www.patentamt.at/geschaeftsbericht2008/frames.html>

2007: <http://www.patentamt.at/geschaeftsbericht2007/frames.html>

2006: <http://www.patentamt.at/geschaeftsbericht2006/frames.html>

2005: <http://www.patentamt.at/geschaeftsbericht2005> .

X. Other relevant matters

Introduction of a post-registration opposition system, effective with July 1, 2010. Oppositions may be filed in regard to registrations or designations and subsequent designations registered on or after this date.

In 2010 71 motions to open opposition proceedings were received by the Austrian Patent Office. Of these, 56 concerned national and 15 concerned international trademarks.