

SCIT.ATR.TM.2005.NO

Annual Technical Report 2005 on Trademark Information Activities submitted by Norway (SCIT/ATR/TM/2005/NO)

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

The national trademark applications are normally filed in standardized paper form. Application forms in pdf-format (key in of data, print out and storage of forms is possible)

are available from the web site of the Norwegian Patent Office (hereafter referred to as the "NPO") at: www.patentstyret.no . If an application is filed using fax, the original document must be submitted by regular mail immediately.

The NPO permits the filing of applications using e-mail, but this is not recommended due to possible security and data format problems.

Use of a standard form (paper or electronic) is not an absolute requirement for being accorded a filing date or, in order to meet a time limit. This applies to any type of application. Neither is a standard form required when making any other kind of communication.

The notifications referring to designations under international registrations according to the Madrid system, are downloaded electronically as SGML files by ISDN-connection and imported into our database. We also receive and process paper copies of all notifications, including designations.

All national applications and designations under international registrations, including bibliographical data, and subsequent notifications and communications, are kept record of in our database, which also is the official national register for registered trademarks and international marks protected (granted protection) in Norway.

Some statistical data:

Number of national applications filed in 2004: 5720

Number of national applications filed in 2005: 6126

Number of designations of Norway under the Madrid system in 2004: 6126

Number of designations of Norway under the Madrid system in 2005: 8330

Total number of applications/designations in 2004: 12 700

Total number of applications/designations in 2005: 14 456

The number of applications increased by 14 % from 2004.

Total number of trademark cases (national applications and Madrid designations) having ended with a final decision in 2004: 9290

Total number of trademark cases (national applications and Madrid designations) having ended with a final decision in 2004: 13668

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

All bibliographical data for trademarks have been stored in our new database Ptolemy. The information contained therein is the basis for the generation of the Norwegian Trademark Gazette ("Norsk Varemerketidende"). The Gazette is produced by Microsoft Word macros and built in SQL questions. The wordfiles are then imported into Adobe Page Maker where the final layout is handled. The PDF version of the gazette is published weekly on our web site. All marks filed and registered in colours are published in colours. The Gazette is available free of charge on the NPO web site on the day of publication.

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

Nice Classification:

NPO uses the International Nice Classification as its classification system for goods and services. Even the oldest registrations are classified according to this system based on reclassification by the Norwegian Patent Office. In the register you will find marks with lists of goods / services classified in accordance with all prior versions of the Nice Classification.

In the computerized search procedures for conflicting marks, the search is limited primarily to the same class numbers and class numbers of classes predefined as "conflict classes", not the specified goods and services within each class.

However, in the subsequent manual examination of applications (designations), the complete list of goods and services is examined. This is imperative when older registrations or older still pending applications cover specified goods and/or services and not only the whole classes. Up until April 1 , 1996, it was allowed to apply for and register any trademark or collective mark for any Nice class with the general and "exhaustive" wording "all the goods" or "all the services".

The complete Nice Classification list is translated into Norwegian and published by the Norwegian Patent Office on the Internet. A list according to the eighth edition of the Nice agreement was published in January 2002.

The Office has stored all the versions of the Nice Classification and all the pre-defined terms in our database which can be used when checking the proper classification. This function, however, is not yet subject to automation.

There is no obligation to use pre-defined terms in the classification. However, some terms may not be accepted if they are too vague/or if they are ambiguous.

The goods specified by the applicant to be in a certain class, will set the frames of the scope of protection. If the applicant applies a trademark for shoes in class 9, he will only receive protection for the shoes to be found in class 9, and not for shoes in other classes, such as 10 and 25.

Vienna Classification:

Norway is not a member of the Vienna Agreement for Classification of the Figurative Elements of Marks, but is using the system with some national adaptations and modifications.

No additional written, descriptive information is added to the classification information.

In addition, stylized word marks - words given a special graphic design - must go through the normal searching and examination process described below.

The Vienna Classification of international registrations performed by the International Bureau (WIPO) is considered as a guideline, but may be altered by the NPO, as our classification practice and policy may not be quite in line with the WIPO classification practice and policy.

IV. Trademark manual search file establishment and upkeep

In 2004 the manual search files were completely replaced by an electronic storage and retrieval system.

V. Activities in the field of computerized trademark search systems

The electronic trademark register, which also includes the official document/ correspondence journal, is kept on a server in our local network, and allows simple searches for identical or similar marks. Marks with figurative element, or word marks in non-standard characters or fancy layout, are all scanned, and kept in the electronic trademark register as images in tif or jpeg-format (older marks are all stored in tif-format).

During 2004 the NPO started to use Acsepto to perform in-house verbal and visual searches, in combination with search for figurative elements according to prior classification according to the Vienna system.

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 Norwegian Patent Office is situated in Oslo. The Office is open to the public, and is used for information and search purposes. The Info Centre and Library can answer questions and give general information to the public concerning industrial property rights. They also provide information free of charge from the official trademark register (paper files and electronic database) both by telephone and visits Monday to Friday, during the hours 0900 to 1500. The search files and applications are available, and it is possible to obtain register transcripts from the official registers or copies of defined registrations for a fee.

The NPO also has a Search and Examination Service, which provides searches for a fee.

VII. Matters concerning mutual exchange of trademark documentation and information

The Norwegian Trademark Gazette is available in electronic format only (pdf-format), from the NPO's web site www.patentstyret.no . There is not a subscription service, and no distribution of paper copies to patent offices, libraries or others. The Norwegian Patent Office receives paper copies of the official trademark gazettes from some other countries.

During 1999, the NPO began to electronically download Madrid notifications from WIPO.

In 2004, the NPO started downloading of notifications of new designations, subsequent designations, partial assignments and mergers electronically from WIPO in the XML format.

Provisional refusals and other communications from the NPO to the International Bureau (WIPO) will step by step be phased over from paper to XML files with style sheets for easy print out of paper copies with desired layout.

Paper copies of Madrid designations are still received from the International Bureau.

The Office does not forward any machine-readable information.

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

The Norwegian Patent Office visits fairs for industry, trade and oil/gas in order to promote protection of intellectual property, the use of trademark information and other industrial property rights. The NPO carried out 28 courses and seminars, covering all aspects of intellectual property rights in 2005. The NPO also cooperate with several universities and colleges in Norway and have a dialogue with the new TTO's (Technology Transfer Offices) in Norway.

IX. Other relevant matters

The Norwegian Patent Office introduced electronic application processing for patents and trademarks in 2004 (for design in 2003).

Using the electronic application processing and document flow system, the Norwegian Patent Office aims at supporting the following functions:

- New receipt of applications function for industrial rights and ordinary correspondence, including the recording, scanning and OCR treatment of received material. A parallel project paves the road for electronic submission of material as well.
- Electronic document archive with journal and archive management.
- Electronic application processing system, including electronic workflow and the facility for electronic checking of applications for previously registered rights.

During 2006 we will have an internet solution for receipt of electronic applications and correspondence and a searchable database.