

# CWS.ATR.TM.2012.EM

## Annual Technical Report 2012 on Trademark Information Activities submitted by OHIM (CWS/ATR/TM/2012/EM)

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

During 2012, the Office received just under 108 000 trade mark applications, almost 2% more than in the previous year. This was much less than the 8% growth seen in 2011, but was only slightly lower than the Office's forecast based on prevailing economic conditions.

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

In 2012, OHIM committed itself to a timeliness standard of 10 weeks for publication of CTMs not needing user interaction. In the final quarter, publication of files containing a declaration on Class Headings, in compliance with the IP Translator judgment, was delayed in order to allow consultation on the best way to publish.

This resulted in the level of compliance with the 10 week standard dropping to 94% in the final part of the year and is also expected to have an impact on the first half of 2013.

Nevertheless, the performance for the year as a whole was very similar to the previous year and much improved compared with 2010, when the target for publication was 11 weeks.

The Office met the 2012 objective of registering 99% of files within 25 weeks, and continued to move towards the goal of sending its first action in 31 days for CTMs meeting an objection. The year ended with 97.5% compliance with the "first action" target time.

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

<http://oami.europa.eu/ows/rw/pages/OHIM/statistics.en.do>

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

#### Publishing, printing, copying techniques

<http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications/newsletter/0911/EBUSINESS/ebis1.en.do>

Once the TM registration process is completed, an electronic registration certificate is generated and placed online. In addition, the Office sends a notification containing a URL link that takes the clients to the e-Certificate. E-communication users need to open their mail box, click on the label marked "L-304" containing the link to the e E-Certificate.

A similar letter can be sent by fax or mail. Users only need to either type the Internet link provided (URL) into their browser or search in CTM online and access the document through our Online Access to Files service. To do so, they can go to the CTM Online tool available on the OHIM website at <http://oami.europa.eu> and search for the CTM details. They should click on the Online Access to Files icon. This will open the Online Access to Files component, where all non confidential documents. The Certificate of Registration can be found under the folder entitled OHIM Letters, and the document is named "certi".

e-Certificates look the same and have the same legal value as the registration certificates previously posted sent by the office, but can be delivered much more quickly. Up to now, postal delivery took up to 4-5 weeks. The new e-Certificates are ready for downloading and printing (if required) within 3-5 working days.

Further copies of the certificate

The Office provides certified or uncertified copies of the certificate of registration, on payment of a fee.

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

VADEMECUM

[http://oami.europa.eu/bulletin/ctm/ctm\\_bulletin\\_en.htm](http://oami.europa.eu/bulletin/ctm/ctm_bulletin_en.htm)

#### 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

#### CTM Bulletin

Community Trade Marks (CTM) Bulletin contains CTM applications, registrations and entries made in the CTM Register (in accordance with Article 89 CTMR and Rule 85 CTMIR). The following items can be found in the CTM Bulletin:

- Community Trade Mark applications
- Community Trade Mark registrations
- Later entries made in the Community Trade Marks Register (includes later entries made in the original Register concerning amendments, transfers, licences, surrenders, etc.)
- CTM renewals
- Requests for conversion
- Restitutio in integrum
- International registrations designating the European Community.

The CTM Bulletin is published daily.

<http://oami.europa.eu/ows/rw/pages/CTM/CTMBulletin.en.do>

#### CTM-ONLINE

CTM-ONLINE is a trade mark consultation service which provides access to all non-confidential correspondence in relation to published CTM applications

[http://oami.europa.eu/CTMOnline/RequestManager/en\\_SearchBasic](http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic)

#### TMVIEW

- TMview is an online consultation tool allowing any Internet user to search, free of charge, the trade marks of all participating official trade mark Offices. It is multilingual and easy-to-use, and gives access to trade mark applications and registrations of the participating official trade mark offices in a single place.

<http://www.tmview.europa.eu/tmview/welcome.html>

#### eSEARCH

eSearch Plus is the powerful new integrated search tool for OHIM resources. eSearch Plus allows Internet users to search and monitor Community trademarks and registered Community designs, as well as look for owners, representatives and related case-law. <http://esearch.oami.europa.eu/copla/index>

#### TMclass

TMclass is an useful tool to assist users when filing trademarks and when trying to organise the goods and services into the correct classes.

<http://tmclass.tmdn.org/ec2/>

### 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)**

Classification systems: Nice Classification and Vienna Classification

**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**

#### TMclass

TMclass is a useful tool assisting the applicants when filing their trade mark and when trying to organise the goods and services into the correct classes. This tool helps applicants with classification of goods and services, allowing them to compare the classification databases of the Participating Offices supplying data to TMclass.

<http://tmclass.tmdn.org/ec2/>

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

##### Goods & Services

Applicants must indicate the goods and/or services for which they wish to register the trade mark. Goods and services are divided into different classes according to the International Classification of Goods and Services under the Nice Agreement (the "Nice Classification"). There are presently 34 classes of goods and 11 classes of services, at least one of which must be selected.

The applicants can select Goods & Services by the following means:

- Insert the Goods & Services manually
- Indicate class headings of Nice classification
- Basic Search in our database (TMclass)
- Import the Goods & Services from our database (TMClass)

([http://oami.europa.eu/help/html/help\\_en.html](http://oami.europa.eu/help/html/help_en.html))

### IV. Trademark manual search file establishment and upkeep

Search reports are drawn up on the basis of a semi-automatic search carried out in the Office's database with the aid of a specific search program. The final results are selected by an examiner. It should be noted that the information contained in these reports is sent for information purposes only and it is therefore not legally binding.

### V. Activities in the field of computerized trademark search systems

#### In-house systems (online/offline)

The OHIM uses for internal searches two systems not available to the public: EUROMARC++ and QFMAN.

## **External databases**

Searching the Community trade mark database: CTM -ONLINE  
<http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do>

TMVIEW - <http://tmview.europa.eu/tmview/welcome.html>

eSEARCH  
<http://esearch.oami.europa.eu/copla/index>

Goods and Service, Nice Classification: TMclass  
<http://tmclass.tmdn.org/ec2/>

Representative consultation service  
<http://oami.europa.eu/FRP/RequestManager?transition=start&source=Log-in.html&language=en&application=FRP>

## **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)**

E-filing is a service provided by OHIM, which enables users to apply for a Community trade mark online. OHIM provides a business-to-business solution for its larger clients where, based on an agreed transfer mechanism across the Internet, our clients can send their CTM applications directly from their own back-office systems directly to OHIM.  
<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do>

E-renewal is a service provided by OHIM in order to enable users to renew a CTM online.  
<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileRenewalCTM.en.do>

E-opposition is a service provided by OHIM in order to allow users to file an opposition online.  
<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileOpposition.en.do>

My Page: CTM users can sign up for their own personalized, easy-to-use, free and secure platform: MyPage. This tool offers direct access to every OHIM external database, to e-filing system and to the user's personal data held by the OHIM.  
<http://oami.europa.eu/ows/rw/pages/QPLUS/MyPage.en.do>

### **URLs of web pages of the Office's website for electronic filing of trademark applications**

<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do>

### **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.**

<http://oami.europa.eu/ows/rw/pages/CTM/regProcess/regProcess.en.do>  
<http://oami.europa.eu/ows/rw/pages/CTM/FAQ/FAQ.en.do>

### **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**

<http://oami.europa.eu/ows/rw/pages/CTM/index.en.do>

## **VII. Matters concerning mutual exchange of trademark documentation and information**

OHIM holds a wide range of cooperation and consultation meetings with stakeholders in EU including national IP offices, the European Commission user groups and representatives of the judiciary. Each year we hold well-attended liaison meetings with national offices, on trademarks, designs and technical/IT issues. The meetings are used to exchange best practice, and discuss innovations.

In 2012, OHIM and WIPO signed a declaration of intent to link TMview and WIPO's Global Brand Database, featuring wider access to transparent and comprehensive trade mark information at the global level.

#### OHIM Cooperation Fund

The Cooperation Fund is a joint endeavour undertaken by the OHIM, all National IP offices of the EU, Benelux IP Office and the user associations that work with the OHIM, designed to promote further harmonization, modernise national IP offices, and simplify the overall experience for users of the European trade mark and design systems

The Cooperation Fund is constructing and delivering a number of different project outputs in support of modernisation, improvement of joint working methods, enhanced end-user experience and overall harmonisation. In addition, it is developing and delivering a series of front office tools, and a predetermined set of back office functionalities.

<http://oami.europa.eu/ows/rw/pages/QPLUS/cooperationFund.en.do>

The Convergence Programme aims to reach common ground on a series of issues where IP offices in the EU have different practices. The Convergence Programme complements the work on common IT tools taking place under the Cooperation Fund and the review of trademarks laws and procedures in Europe led by the European Commission.

<http://oami.europa.eu/ows/rw/pages/QPLUS/convergenceProgramme.en.do>

### **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)**

OHIM has always put emphasis on understanding users of CTM system and responding to their needs.

The OHIM website remains the most important information resource. The content, in five languages, is updated daily, and it's the home for the office's monthly electronic magazine, Alicante News.

<http://oami.europa.eu/ows/rw/pages/OHIM/index.en.do>

#### Relations with users

Office for Harmonization in the Internal Market (OHIM) maintains close links with all interested parties in order to ensure cooperation and harmonization across Europe as well as to ensure the best possible delivery of its services

#### Cooperation inside the EU

OHIM holds a wide range of cooperation and consultation meetings with stakeholders in EU including national IP offices, the European Commission user groups and representatives of the judiciary.

<http://oami.europa.eu/ows/rw/pages/QPLUS/networks/networks.en.do>

#### Cooperation with other international organisations

OHIM, the EPO and WIPO strengthened and deepened their mutual cooperation and collaboration in 2012.

#### Cooperation outside the EU

OHIM engaged in productive discussions with IP offices from various countries, including Brazil, Turkey, Canada, Norway, Mexico, Korea, China and the African IP organisations (OAPI and ARIPO), with a view to further expanding collaboration and embarking on joint projects of mutual interest.

The Office also concluded agreements with the EU delegations in Thailand, Russia and China to define and implement three major EU-funded projects. The projects are aimed at promoting better access to IP rights information in the three countries and regions, by encouraging the integration of IP rights into a free, open online facility based on existing tools like TMview, WIPO's Global Brand Database, DesignView or TMclass.

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

OHIM was present at the following events in 2012:

<http://oami.europa.eu/ows/rw/pages/OHIM/news/eventsArchive2012.en.do>

### **Training courses for national and foreign participants**

The OHIM Academy learning platform, which was put into production in November 2012, is a software application for the administration, documentation, tracking, reporting and delivery of training courses and learning programs. It will allow OHIM to distribute online or blended courses over the Internet, with features for online collaboration.

A full training catalogue for National Offices has been developed, with twenty two modules stemming from the following topic headings:

- Examination
- Opposition
- Cancellation
- Designs
- International Registrations
- Geographical Indications
- Case Law
- Enforcement
- General IP

During 2012 more than 100 external experts from National Offices attended training programmes in the Office, including training linked to the Observatory, cooperation activities, training for trainers, and an 11 day IP Seminar held in October for participants from non-EU countries.

In 2012 four seminars for judges took place, each attracting between 30 and 80 attendees each.

In 2012 OHIM in conjunction with Interpol carried out a training event to help introduce international police trainers to the wider issues associated with infringing products, particularly those which threaten the health and safety of consumers.

Two training initiatives were developed in collaboration with Europol. The first one, held in July, aimed at raising awareness and discussing efficient ways to tackle the illicit trade in counterfeit goods. The second event, in December 2012, was an awareness conference on fake pesticides, which brought together 96 representatives, including industry experts, scientists, police, customs and regulatory bodies.

The Office organises traineeships twice a year, lasting five months each, for young university graduates of Member States of the European Union and for a number of nationals from candidate countries and third countries. These traineeships consist of work experience in one of the services of the Office.

In conjunction with a network of universities across the EU, the Academy's University Network Programme gives students the possibility of coming to OHIM's headquarters in Alicante, to discuss a topic for their Master's thesis with senior OHIM staff, who act as research advisors.

Moreover the Office welcomes national experts seconded from the industrial property offices ("SNEs"), benefiting from the high level of their professional knowledge and experience.

## **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**

<http://oami.europa.eu/ows/rw/pages/CTM/legalReferences/legalReferences.en.do>

### **contain the Annual Report of the Office**

OHIM's Annual Report for 2012 is available only online in Multimedia version or in PDF format.

[http://oami.europa.eu/Annual\\_report\\_2012/OHIM/index\\_en.html](http://oami.europa.eu/Annual_report_2012/OHIM/index_en.html)

### **if necessary, provide further information related to the topics referred to in the current ATR**

#### **Quality Plus**

The Office is committed to listening to users' needs and putting in place measures to maintain and improve the quality of services. Quality Plus section provides access to the Office's quality policy, the Service Charter, User Satisfaction Survey, and guidance on how to file a complaint. Information on cooperation projects with IP offices in member states and internationally can be also found.

Networks and Users' Groups includes:

- The OHIM Users' Group
- Judges' seminars and symposiums, and the OHIM Universities Network
- Information about OHIM's participation in networks with other major IP offices.
- Technical cooperation agreements, the OHIM Cooperation Fund, Convergence Programme.

<http://oami.europa.eu/ows/rw/pages/QPLUS/index.en.do>

#### **User Satisfaction Surveys**

The Office is conducting two types of surveys:

- Specific Real Time Satisfaction Surveys, covering specific areas of particular interest;
- One global User Satisfaction Survey each year.

The objective of both types of Satisfaction Surveys is to identify areas of improvement and to enable the Office to set appropriate priorities to enhance its services and to measure overall satisfaction.

<http://oami.europa.eu/ows/rw/pages/QPLUS/USS.en.do>

#### **Complaints Unit**

Complaints Unit handles written complaints about the processing of CTM and RCD files.

<http://oami.europa.eu/ows/rw/pages/QPLUS/complaintsUnit.en.do>

### **provide open source codes related to trademark information systems**

A Trade Mark XML Open Standard Initiative  
<http://www.tm-xml.org/>

TMview is an online consultation tool allowing you to search, free of charge, the trade marks of all official trade mark offices which are participating at national, international and EU level. The accuracy of the data contained in TMview is the sole responsibility of the offices or organisation providing it. In principle, TMview reflects with certainty their trade mark registers at the moment of consultation. TMview is a cooperation project between the OHIM, WIPO and EU national trade mark offices.  
<http://tmview.europa.eu/tmview/welcome.html>

TMclass is an useful tool to assist users when filing trademarks and when trying to organise the goods and services into the correct classes.  
<http://tmclass.tmdn.org/ec2/>

### **contain trademark-related news regarding the Office**

OHIM publishes an online Official Journal, an Annual Report, and various legal publications including National Law relating to the Community Trade Mark and case-law overviews produced by the Boards of Appeal. In addition, the Office publishes two newsletters:

- Alicante News provides a monthly update of information about the Office, including interviews, developments in e-business services, and case-law. It is available in English.
- The IP Cooperation and Convergence newsletter has the latest news on the progress the OHIM and national intellectual property offices are making in modernising their tools and bringing closer their working methods. This bi-monthly publication is available in 22 EU official languages.

## **X. Other relevant matters**