

# SCIT.ATR.TM.2005.AT

## Annual Technical Report 2005 on Trademark Information Activities submitted by Austria (SCIT/ATR/TM/2005/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 2005 are presented in comparison with the numbers in 2004 (=100%):

National applications:

8.426 in 2003

8.385 in 2004 (-0,50% compared to 2003)

8.583 in 2005 (+2,3% compared to 2004)

National registrations:

6.835 in 2003

7.700 in 2004 (+12,66% compared to 2003)

6.873 in 2005 (-10,7% compared to 2004)

MMA/MMP applications based on Austrian trademarks:

0.964 in 2003

1.188 in 2004 (+23,24% compared to 2003)

1.271 in 2005 (+6,9% compared to 2004)

International applications incl. renewals designating Austria:

12.948 in 2003

12.316 in 2004 (-4,88% compared to 2003)

12.531 in 2005 (+1,75% compared to 2004)

Number of active trademarks in Austria

national:

108.422 in 2004

110.530 in 2005 (+1,9% compared to 2004)

international:

247.220 in 2004

247.386 in 2005 (+0% compared to 2004)

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

In the year 2005 the number of national applications kept constant, the number of national registrations decreased to the amount of 2003 after an increase due to a change in the procedure in 2004.

In the international field the number of applications based on austrian trademarks increased.

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.

As in 2004, 88% of the national applications originated from Austrian enterprises.

Like in 2004, about 60.000 Community Trademarks, which also have effect in Austria, were filed at the Office for Harmonisation in the Internal Market (Trademarks, Designs and Models) in Alicante.

Approx. 60.000 trademarks were registered at the Office for Harmonisation in the Internal Market in the year 2005, which came into effect for the whole EU and thus also for the territory of the Republic of Austria. This represents an increase of 73% over the numbers of the year 2004.

Also the number of effective trademark rights has further increased: 110.530 signs were protected as national trademarks by the end of 2005. This is an increase of 2% compared with the year 2004.

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 35, followed by the classes 9, 16, 3 and 41.

## **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.

Since Autumn 2005, the gazette is also published as PDF-File on the homepage of the Austrian Patent Office [www.patentamt.at](http://www.patentamt.at).

### **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.

In house and via Internet the bibliographic data and images of active national and international trademarks are searchable.

### **Mass storage media and microforms used**

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.

### **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.

## **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, 8th 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, 5th 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 for search purposes**

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

This search is available inhouse and via Internet.

For image similarity search during the procedure an additional database (Oracle) is used which allows the image search based on Vienna classification.

## **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.

Together with other national Offices (France, Portugal and Hungary) the Austrian Patent Office took part in the eMage project in testing a new Search Service for figurative elements of trademarks and designs.

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

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.

An electronic registry for Appeals and Nullities including information about the procedural steps is accessible via the office's 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 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 of charge 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 (serv.ip, former TRF)

The Service and Information Sector of the Austrian Patent Office (serv.ip) 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

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.

Address: [www.patentamt.at](http://www.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.

### **Exchange of machine-readable information**

Machine-readable information exchange of industrial design and trademark data has been started for the EU-project e-Mage.

Aim of e-Mage: Online-Search in industrial design + trademark databases. Data from France, Portugal, Hungary, Austria, international design + trademarks, Community trademarks + design; open to other countries. Search via bibliographic data and/or similarity search via images. Natural language search in classifications.

## **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

In order to expand these demanded training course activities additionally two seminar series were started in the Austrian Patent Office in 2001, which are organized by the Austrian Patent Office/Service and Information Sector. One of said seminar series concerns an overview of the industrial property rights. The second seminar series deals with special topics, e.g., software protection, biotechnology, etc., and is arranged under consultation of external experts in the respective area.

Seminars on industrial property rights, including trademarks held by the Austrian Patent Office during 2005:

- ... seminars for Universities, with ... participants
- ... seminars for high schools, with ... participants
- ... seminars for SMEs, with ... participants
- ... participations on exhibitions and fairs

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

Training courses and exchange of information were held for participants from Bahrain, China, GCC and Korea during 2005.

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

Training courses are held for patent experts from developing countries in co-operation with the WIPO since 1977. Patent information and documentation are the main topics. The participants in the WIPO/Austria Training Course 2005 came from Belarus, Bosnia & Herzegovina, Jamaica, Kazakhstan, Malawi, Romania, Saudi Arabia, Uzbekistan, Thailand and Ukraine.

The program of the course provided practical training in the use of the International Patent Classification for file organization and searching as well as in the methodology of retrieving information from patent literature in search files and from online databases for patent examination, state-of-the-art searches and other technological information purposes.

Furthermore the curriculum included a demonstration of the Austrian Patent Office's operation and administration, applications of the Internet as well as CD-ROM technology and utilization.

The training course provided also information about international treaties such as TRIPS, PCT, SPLT and EU-COMPAT as well as basic knowledge about trademarks and design.

## **IX. Other relevant matters**

For further information about activities of the office in 2005, one may also refer to the "Annual Report of the Austrian Patent Office 2005", published in German and English on the Homepage of the office <http://www.patentamt.at/geschaeftsbericht2005> .