

# SCIT.ATR.TM.2005.AU

## Annual Technical Report 2005 on Trademark Information Activities submitted by Australia (SCIT/ATR/TM/2005/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)

Applications:

2004 - 85462

2005 - 93146

8.9% increase – continuing upward trend

Registrations:

2004 – 53605

2005 - 62204

16.0% increase – continuing upward trend

Madrid – International Registrations Designating Australia

2004 – 5582

2005 - 7846

40.5% increase – continuing upward trend

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

Continuing growth in on-line filing of applications for registration. By end 2005 on-line filings accounted for 55% of all applications received.

### 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 mark gazette) 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 internet site and contains both bibliographic text, and images. Hard copy journal publication has been discontinued.

Standard Notices and Letters are produced via the Trade Marks mainframe business application as XEROX XICS output.

Examination Reports are generated in Word.

#### 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Applications Lapsed Withdrawn and Refused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

Assignment, Transmittals and Transfers

Cancellation of Entries in Register

Renewal of Registration of Trade Marks

Opposition Proceedings

Removal for Non-use Proceedings

Notices

The IP Australia web-site also provides access to a variety of forms and publications, IP legislations, Official Notices, Hearings Decisions, 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 (EDMS) repository which contains all documentation relating to the prosecution of the application.

#### Word processing and office automation

Journal production is fully automated, apart from the inclusion of ad-hoc notices which are produced in Word. Examination reports are composed in Word using a set of word processing standard paragraphs.

### **Techniques used for the generation of trademark information (printing, recording, photocomposing, etc.)**

As mentioned above, bibliographic data (ADABAS as XEROX XICS output) and images from Unix are merged for Journal production

## **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 Nice Version 8.

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 thesaurus 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**

This process is performed manually, largely because applicants are not obliged to use pre-defined classification terms. In 2005, the Office introduced a new on-line application form which allows selection of goods/services via a set of pre-defined classification terms (NICE and Office Determinations). This new Trade Mark e-form filing systems have functionality which allows the user to select from a pick-list of goods and/or services relating to their Trade Mark. These terms are also those which form the basis of the Goods and Services help with the Trade Mark database, ATMOS.

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

There is no obligation for applicants to use pre-defined terms.

### **Bibliographic data and processing for search purposes**

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. Whilst the search utilities are used primarily for internal purposes, some of IP Australia's larger customers (mainly trade mark attorneys) access a sub-set of these utilities via a terminal emulator over the internet. Additionally, 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 internet 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, 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 such a path.

### **Storage, including mass storage media**

The TRACS case file stores a variety of Word, Adobe pdf, and XML files.

### **Documentation from other offices maintained and/or considered part of the available search file**

None

## **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, administrative support, etc.)**

As mentioned previously, 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 our 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 frame relay-based WAN provides connections from Canberra to each State Capital. 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 6.0 SP1, and Lotus Notes.

## **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)**

IP Australia has State Offices in each of the Australian State Capitals providing public access to a range of services, including filing, searching, official publications, registers and general advice and information. Increasingly, IP Australia is using its web site as a means of providing an alternative means of public access to these services, as well as new services such as electronic filing (currently approximately 55% of trade mark applications are filed online) and trade mark searching via ATMOSS. IP Australia is currently finalising the design of 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.

## **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 Gazette which is available to all on-line.

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

SGML/XML (MECA) exchange between IP Australia and the IB.

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

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

26 – 29 January - IP Australia attended the WTO Trips workshop for Forum Island Countries (FICs) and led discussions on IP developments in the Pacific, Suva, Fiji.

17 March - Visit by the Director General of the Intellectual Property Office of Indonesian for discussions on capacity building programs.

18-22 April - IP Australia conducted a visit to Samoa & Tonga under the AusAID Pacific Governance Support Program for discussions on IP development in the Pacific.

1-6 May - IP Australia conducted a visit to Fiji & Vanuatu under the AusAID Pacific Governance Support Program for discussions on IP development in the Pacific.

16-22 May - IP Australia conducted a visit to Fiji & Kiribati under the AusAID Pacific Governance Support Program for discussions on IP development in the Pacific.

30 May-2 June - IP Australia conducted a visit to PNG under the AusAID Pacific Governance Support Program for discussions on IP development in the Pacific.

7-16 July - As part of the APEC TILF funded PE&A Program, TILF II Project, a scoping visit to Chile and Mexico was undertaken.

31 July - 6 Aug - A delegation of Chinese IP Experts from the Singapore Intellectual Property Office, conducted seminars in Sydney and Melbourne on 'Protecting & Enforcing IP in China'. The delegation also discussed FTA related issues with IP Australia and DFAT officers.

15 Sept - IPA hosted a delegation from the Australian Technical Experts Network (ATEN) led by Deputy Department Director of Patent Bureau, SIPO for comparative discussions on AU & China's IP systems.

25-27 Oct - IP Australia co-sponsored and gave presentations at the ASEAN-USPTO workshop on intellectual property office administration and enforcement, Bangkok.

9-11 Nov - Asia Pacific IP Forum, New Zealand. This forum focussed on operational issues for IP Offices. IP Australia gave several presentations at the Forum.

5 Dec - IP Australia hosted high level delegation from the Vietnamese Ministry of Trade to better understand Australia's IP rights protection system

5 Dec - IP Australia hosted Korean IP Office delegation to discuss approach to patent and trade mark hearings and operational functions

## **IX. Other relevant matters**